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PROCEEDINGS
MISSISSIPPI STATE BAR

SIXTY-THIRD ANNUAL MEETING

October 1968

VOLUME XXXIX NUMBER 4

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Mississippi Law Journal

JOURNAL of the MISSISSIPPI STATE BAR
MEMBER, NATIONAL CONFERENCE OF LAW REVIEWS
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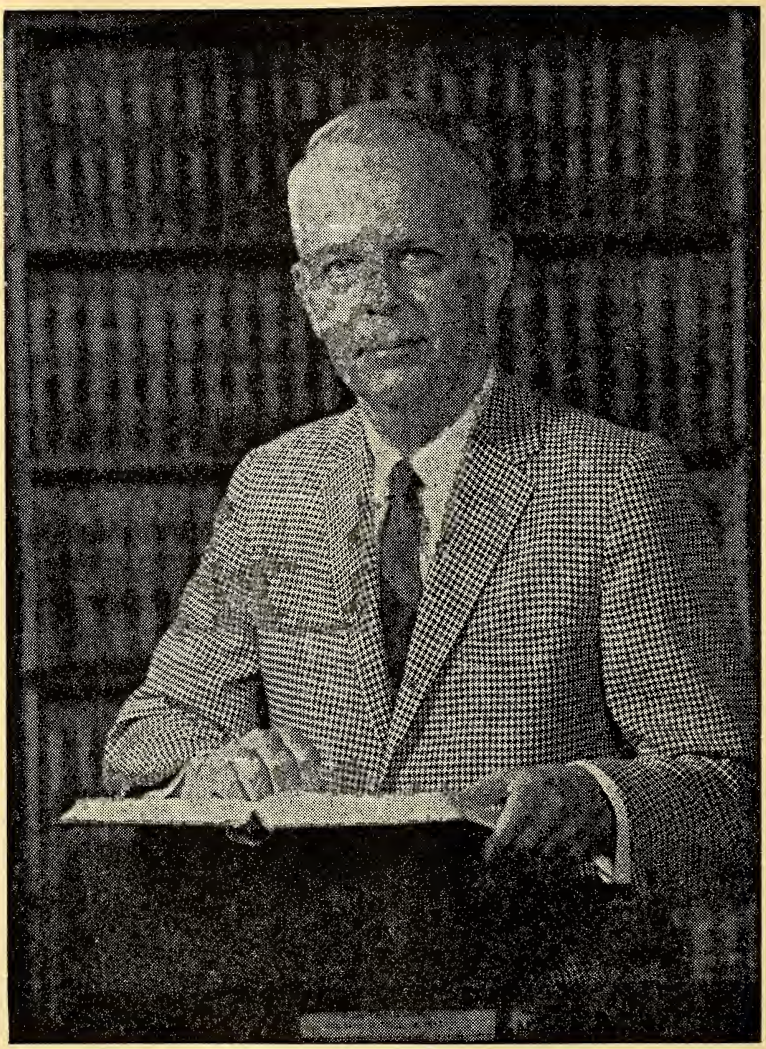

N. W. OVERSTREET, JR.

Retiring President of the Mississippi State Bar

PROCEEDINGS OF THE SIXTY-THIRD ANNUAL MEETING
OF THE

Mississippi State Bar

HELD AT BILOXI, MISSISSIPPI, ON JUNE 28 and 29, 1968

The First General Assembly of the Mississippi State Bar was called to order in the Buena Vista Hotel, Biloxi, Mississippi, at 9:30 A.M., June 28, 1968, by Mr. N. W. Overstreet, Jr., President of the Mississippi State Bar.

The invocation was delivered by the Rev. H. E. Peden, Pastor of the First Methodist Church, Biloxi, Mississippi.

An address of welcome was delivered by Mr. Eldon Bolton, Jr., President of the Harrison County Bar Association.

President Overstreet then delivered the following report:

PRESIDENT'S REPORT

N. W. Overstreet, Jr.

I have enjoyed serving as your President during this year and I deeply appreciate the honor that has been conferred on me as serving as your President. The Board of Bar Commissioners are all able and conscientious lawyers. They have attended several extended Commissioners meetings and have studied carefully the many records and documents that have been furnished to them during the year.

Many of our committees have worked long and hard. Our secretary and his office staff have worked at length on their many tasks. And let me say this, arranging for a convention is no easy job and George has done a good job on this.

So many lawyers have worked hard and long for us that time will not permit me to mention the names of all of them.

We submitted to the Legislature approximately forty bills on legislation approved in our past bar conventions, and that is an awful lot of bills to give to the Legislature. The Legislature gave serious study and consideration to our recommendations. Some of our recommended legislation has already been adopted and some have not, not necessarily our particular bill or in the exact recommended language, but substantially so. Several other bills are still pending in one house, having passed the other, and probably there will be some more of our recommended legislation adopted by the Legislature. The Legislature has

raised our dues, although not in the full amount recommended by our 1966 convention. This raising of dues will help very much in the new Bar year, because we operated on an extremely tight budget this past bar year, and I want to commend Joe Howie, who was Chairman of the Budget Committee for the wonderful job he did in watching that budget.

For two years now our State Bar has conducted its own Continuing Legal Education program. In this day and age of change in law, such a program is a must, and I am sure it will continue in the future.

As stated, most of our committees worked long and hard during the last Bar Year. I particularly want to mention the work of our Complaints Committee. Bob Patterson of Aberdeen was the Chairman of that Committee, and Bob did a remarkably good job and a lot of hard work was placed on a practicing lawyer. That committee, as you know from reading their committee report published in our printed volume, had over 42 complaints, and for the six members of the committee, that being the limit under our by-laws, they had a real task on investigation and consideration of these complaints. Most of these complaints were without merit after investigation, but some were more serious, and to me this is the most important task of our State Bar, that is, in connection with complaints and the proper disposition of them, not only as to recommending disbarment whenever appropriate, but to clear the name of a lawyer unjustly accused, and that has happened in several instances where a lawyer has been unjustly accused.

Now you will recall at the convention last June we approved—that is, this body on Saturday morning, the Committee report establishing for Mississippi Lawyers minimum standards for legal services to the poor through the OEO. Our concern then was, and still is, that the individual poor person receive the best possible legal advice and assistance for his particular problem, and that the traditional confidential and personal relationship of attorney and client be preserved. Two important matters specified in these standards that you adopted last year are, (1) that control or supervision of any such program remain or be with our organized Bar in Mississippi, and (2) that the poor person have the right to select his own lawyer. This last, commonly referred to as "judicare", has been approved by the OEO, by the Wisconsin Bar and several other places in the country. After your approval of these standards last June we so advised the Washington office of OEO. We were advised that OEO would not approve any form of Judicare. Later we conferred with the then Director of Legal Services of OEO and he promised serious consideration of at least a substantial portion of Judicare and promised to write us a letter in two weeks as to their requirements for us. Such letter promised in February has not been received

by us. We have written, wired and telephoned attempting to obtain such letter for submission to you at this convention and all to no avail. I even asked our good friends in the American Bar Association for assistance in obtaining a response from OEO and in two recent letters from the Washington office of the ABA, they responded that in effect that OEO had limited funds at present and for that reason, "The OEO is giving no consideration to the application of the Mississippi State Bar at this time. The standards of the Mississippi State Bar submitted as a part of your application will become relevant only when the application is considered." The OEO cannot say that we will not offer legal services to the poor through the Mississippi State Bar. We have tried our best to work out such a program with them but all without avail today.

As most of you know, we have three groups of non-resident lawyers with law offices in Mississippi. These non-resident lawyers have not been admitted to practice in Mississippi and are not members of the Mississippi State Bar. As you know, we have a unified Bar in Mississippi since 1932, and for a very good reason. Two of these groups of lawyers took issue with the U. S. District Court for the Southern District of Mississippi as to admission of non-resident lawyers on comity. After hearings they filed petitions for mandamus with the U. S. Court of Appeals for the Fifth Circuit against the two judges of this District Court. Oral argument was held on May 1, 1968. In their briefs and oral argument the Petitioners and the U. S. Attorney General, in effect, took a very broad position on admission of non-resident lawyers and litigation involving federal rights. An amicus curiae brief was filed by the Mississippi State Bar stating its position. Members of our Mississippi State Bar represented our two Judges. I recognize in this respect the services of John Satterfield, David Cottrell, Dixon Pyles, Charles Clark, William Goodman, Albert Sidney Johnston III, Erskine Wells, Natie Carraway and others. Since these are pending cases, I feel that I should not further comment. I just wanted the members of the Bar to know of the existence of these very serious lawsuits.

Let me say in closing that I have been proud to be presented as representing the Mississippi State Bar at other conventions over the country. I have rather mixed emotions as the time grows close to the end of my term as President. I have had so many enjoyable events and met so many pleasant people. At the same time we have had problems, two of which I mentioned. Nevertheless, it has been a wonderful year and I appreciate the opportunity of serving.

Mr. Jack Travis, of Jackson, introduced Mr. Alfred S. Julien, of New York City, who delivered the following address.

PRODUCTS LIABILITY

Alfred S. Julien

Thank you, Jack. President Overstreet, ladies and gentlemen.

When I talked to you about Products Liability last time, some eight or nine years ago, it was just beginning and some of you told me there was very little of it in the State of Mississippi. You know now that there is a great deal of it. You know now that your top Court in some recent decisions has had to spend its time and its research on this most important topic and, indeed, one of its recent decisions in the Ford Motor Case is going to be one of the leading cases throughout the country.

Well, what's so important about Products Liability? And even if you aren't in it and do not become a products lawyer, does it have any importance for you in your general practice, in your tort practice? I think you are going to find that no matter what part of the torts field you happen to run across, a basis knowledge of Products Liability and a basic knowledge of its concomitant, medical malpractice becomes awfully important. Even if you don't practice it, knowing about it becomes important. For example, you take the situation, which can happen so often, a car goes through a red light, strikes another car, ends up against a tree, its driver is killed. He's gone against the red light and everybody knows it, but he either has no insurance at all or he has a small policy, and you represent people who are very seriously hurt and the five or the ten thousand policy will not nearly be enough to make your clients whole. Under those circumstances in the old days we, all of us, would say, well, the policy is $10,000.00, if we settle the case for $8,500.00, give the company something, that ought to be fair—that ought to be enough.

Nowadays the approach is entirely different. Nowadays the stretched imagination of the lawyer who sees beyond just the ordinary automobile case into the things that lie just beyond the horizon, into products, into medical malpractice, realizes that this same case has the potential and the possibility to go elsewhere to secure a complete return for a client who deserves it. Today an appropriate investigation into the same kind of case requires "let's look at the car." Why did he pass the red light? He's not around to tell us, but an expert called to the scene promptly, who examines that very car, its brakes, its steering, the brake fluid to see whether it has the consistency necessary to withstand the heat generated in the ordinary braking system of our cars today will try to find our whether the car itself has some fault, which, in addition to the basic liability, may additionally produce a return for your client.

The Products Liability lawyer also would investigate into the medical history of the driver. What was the matter with him? Did he have anything which might cause him to faint? Did he have a pre-existing heart condition and thus should not have been driving a car? Did he take medication of one kind or another without the appropriate warning that he ought not drive because of a particular medication within three, four or five hours after its administration? So many possibilities—so many peripheral areas that you can examine into, to find out whether there are additional sources of liability to bring relief to the very same client whom all of us in the past brought insufficient return because of vision limited rather than vision unlimited.

So you see that Products Liability and malpractice—and you must talk about both, because particularly in the drug area, the minute you get into a drug case where you claim a failure of warning or improper administration of dosage, because the manufacturer has not warned the doctor—you have to have everyone in the picture. But you see how these additional fields cut across the field of tort liability throughout, and endow the practicing lawyer with the opportunity to give full, rather than limited service to the people who need it.

Well, let's talk about research in the field of Products Liability first. Of all the fields that I know, research in products liability is the most peculiar because the case against you may be the case that will win your lawsuit. The authority against you can be the one which will help you prevail. Let me give you an example. You may have read about this case because the wire services picked it up a few years ago and it was all over the country. I had a case where a man in his back yard was flying a kite for his child and his child's companion next door, and unknown to him the kite had a cord, the core of which was metallic wire. Stretched in his back yard were high voltage wires, unknown to him, electric wires, uninsulated and containing high enough voltage to be 7,200 volts of power electricity—enough to run a sub-station. Well, he put the kite into the air and you can easily imagine what happened. It came near one of these uninsulated wires and he was immediately electrocuted.

We brought an action against the local utility, claiming among other things that they should have insulated or placed the wires under ground or had a warning of some kind or another, and the liability was considered extremely tenuous. At the end of what we thought was our prima facie case, counsel for the utility presented a brief to the learned Judge in which he showed that right next door his companion Judge six months ago had had a case where a man flying a kite exactly the same way, was not killed but severely injured. The case had been dismissed be-

cause the Judge next door said, "this is not a foreseeable accident. How could the utility have foreseen that such an accident would occur?"

Well, the Court looked at me and said, "Mr. Julien, what do you have to say about this? Here is law to the effect that it is not foreseeable." Our research had not turned up that case because it was never officially reported. I asked the Court for time, an hour or so, and he gave it to us and we went down to what we call the County Clerk's office where all of these cases are recorded and the Judge's decision was contained in the papers down there, and we found that it was so true. The Court had dismissed the other case because he said it would not be foreseen by the utility that somebody would be using a cord, containing metallic core, with a kite.

However, that accident had happened six months before ours, and so we came back with that very decision urged by the defendant and said to the Court, "it wasn't foreseeable then, but after the first accident occurred it was then foreseeable," and that made the liability—the case against us.

Now look how it gets into the field of Products Liability. Supposing you have a tooth paste in your home and a tooth paste can cause thrush mouth, a not too serious ailment but an annoying one to many people. You bring your action against the manufacturer of that tooth paste and he says, now, wait a moment, this is the first case of its kind—we never heard of thrush mouth before. As a matter of fact, there was another case a year ago down in Florida—and there was—where that was thrown out because they had never heard about it before. Your research into that case, which happened the year before, can help to establish your liability because once there is a case, even if it is in favor of the Defendant, because it is not then foreseeable, thenceforth it becomes foreseeable. A rule about Products Liability is that the manufacturer is charged with the knowledge that everybody in the art possesses, and he cannot lay back and say, "I didn't know that there was a case like that" or he cannot sit back and say, "I didn't know a magazine had an article with respect to this particular ailment resulting from the use of tooth paste." He is charged with the knowledge of the expert and, therefore, the case against you can be the case for you.

In addition to that, just do not accept at face value decisions in Products Liability. This branch of the law moves with the greatest rapidity, and even the decision properly arrived at in the year 1965, as the art moves, as the common law moves, by 1968 the decision may become "old Hat" and the Court itself, which once enunciated that decision, may be prepared if you, the catalyst, the lawyer, brings another matter before it, with the same problem involved, to reverse itself and to say, well, it's time for a change—it's time for a change.

We had in New York for many, many years the question of privity of contract in these Products Liability cases where an example being: the husband bought some meat, the wife cooked it and the entire family came down with trichinosis. We were arriving at this kind of peculiar result. The husband could recover because he was the purchaser and, therefore, there was privity of contract. The wife couldn't recover because she hadn't done the purchasing. The children, of course, were out in the cold. On the other hand, if the wife did the purchasing, she could recover, and if she purchased as the agent for the husband he could recover. Well, she wasn't the agent, and you see, that sort of thing just can't stand up. It produces the kind of results that the public will not accept.

Year after year cases were brought before our courts saying "Isn't it time to do away with privity? Isn't it time to do away with it"? And, finally, about five or six years ago we brought a case up where a girl was injured as a result of a fishing tag in a can of salmon, purchased by her father, and the Court said that we have got to do away with the "horse and buggy" idea that privity of contract is required in these cases. And it isn't, because as your own Court has said, and said so beautifully in that Ford Motor Company case of very recent vintage, Products Liability isn't truly a creature of contract at all. It's something that lies between negligence and perhaps sales, and when they arrived at strict liability, as your Court now has with respect to the liability of a manufacturer in these cases, they are saying, that this is an area in and of itself. It isn't true he sells, it isn't true he contracted, it doesn't require privity of contract at all, and that's one of the Bellweather decisions which is going to lead the way in this country to a proper appraisal of Products Liability.

Well, another thing we have to talk about is contributory negligence. Does it apply? Since you are saying, Mr. Julien, that this is a new creature or an intermediate classification all by itself, how about your comparative contributory negligence as you have it here? Does it exist in the Products Liability case, and the general answer is, throughout the country that contributory negligence still applies in the Products Liability case, and you had better be prepared that if your courts follow the trend in the country, it will probably be applied here as well, because there is another sense in which contributory negligence enters into the Products Liability case. There is a principal in Products Liability that says "the seller or the manufacturer or the intermediate distributor is not responsible if the user does not make a reasonable use of the product." In other words, use it generally for the foreseen purpose for which it was intended, and there is a famous case about that.

There is a case in New Jersey involving the commodity called "Baum

Ben Gay." Now you know Baum Ben Gay—that's the stuff you use to rub in on your chest when you have some kind of a chest cold, and it's got that delicious vapor, and this fellow in New Jersey, rubbed it in his chest, very sexy like, and then he had a robe which he covered up and he decided to light a match in order to smoke and he covered up his robe and he put his match within the recess of the robe—BAUM BEN GAY! There was a big explosion.

Well, says the manufacturer, "all right, we made it and this vapor does have this potential, but this was not its intended use. We didn't intend that somebody would light a match in that fashion." That's not it at all—that's not it at all. They were held responsible and they were held liable because the foreseen use doesn't mean the precise use that the box says. It means something that you can see in addition to that, that which you can visualize, that which you can foresee.

And you know, of course, that the rule of foreseeability never means that you are required to foresee the precise way that the accident may have occurred. That golf cart case that Jack mentioned, for example. One of the features of liability in that case was liability against the country club. We contended that their product was not just the golf cart, but they had another product involved, a macadam road six feet wide, which led from the pro shop to the first tee, and it was the only means of access for the carts which are approximately six inches less than four feet wide, and for pedestrians, and for golfers, and for caddies —no other means of access to the first tee. You golfers immediately see that this means that that particular road saw the most traffic throughout the entire country club, and we contended that foresight should have told them that with traffic flowing all in one direction—and, by the way, it was on a down grade—that those who designed this product, the path, should well have foreseen that since an electric cart goes noiselessly and has no horn, buzzer or warning, that a pedestrian going in the same area might easily not know that there is a vehicle approaching him and have no warning and that this type of accident could be forseen. The country club was held.

But they say, how could we anticipate that this sort of thing would happen? That the brakes might fail? And the rule was, we need not foresee the particular kind of accident that occurs—it's sufficient that you foresee that some accident can occur, and the most famous case with respect to that, and it is a products case, is the case of Braum against Roux.— This is a case of Missouri, and an action was brought because somebody got bad injuries as the result of using the Roux hair dye. You know there are a lot of ladies throughout the country who get un-wanted crew cuts as a result of these hair dyes used at home, and so

did this lady, and she got worse. She got an ailment which is called periarteritis nodosa.

The defendant said, well, this is the first one in medical history. No book ever referred to it, no study ever referred to it, nobody knew, nobody knew that this sort of thing can happen as a result of the use of a hair dye. But the Plaintiff said, that's true. However, you knew that there could be severe dermatitis as a result of these coal tar hair dyes you were then employing, and since you knew that, you could anticipate there could be some kind of harm even through you could not anticipate the particular kind of harm. Therefore, there was liability. That's one of the leading cases, and a great case and it can be found at 312 S.W. 758.

Now what's the big problem with juries in these Product Liability cases? Think about this for a moment. Your ordinary housewife is subjected to literally thousands of sales messages a week. The radio, the television, the newspapers, the placards—thousands, and they are building in the housewife, and even in the non housewife—they are building in an acceptance of products. Why, General Motors—that name is virtually America. General Electric—how can you condemn a General Electric product? That's part of our community, that's part of our country. There is this built-in acceptance.

How about that nut that goes traveling around on television on a white horse, charging everybody with that lance, you know, for Ajax. Ajax, and everybody gets frightened and there is a big spurt and everybody turns white. As some lady said to me today, "Of course you turn white with that horse charging at you." But the point is, these ladies have become accustomed to accept Ajax, a household word, and you come to Court and say that Ajax or some other product like it can cause dermatitis? It's hard to accept because you are tearing down the thing that they believe in, and have been led to believe in the millions of dollars have been spent to get them to believe in it.

How do you handle the problem when you approach a jury? Well, the best thing to do is this: if you can, and there are many cases that provide you with this choice—if you can, you do not attack the product in general. You attack the particular box or the particular item which caused your client's harm. For example, we had a case involving a brake failure in a Rambler car, and we have ascertained, in our opinion, that the brake failure was caused because the brake hose in the front was so long that the abrupt turning of the wheel caused the inner rim to cut against the brake hose and finally sever it, and that's our contention. Now if we go in and attack the Rambler model in its entirety, we have a larger, greater problem to overcome. It's the task of every trial lawyer to lessen the hurdle that a jury must overcome in order to bring the

result that he hopes to achieve for his client, and so we are going to try to lessen the problem. We are going to attack that particular Rambler car, not all of that series, but the one that our client had.

Similarly, in a lawn mower case. I had a lawn mower case up in Schenectady, New York. That is one of our upstate cities, and it was a Montgomery Ward lawn mower. I started to pick a jury and they were all householders and I said to the first lady, "do you have a lawn mower at home?" "Yes", she said, smiling broadly—she knows what's coming—I said "What's the make?" She said, "Montgomery Ward." I said, "Well, does it service you all right?" "Yes, it has.' Well, now I had to approach it this way—and this is the problem—"Do you appreciate, Mrs. so and so, that we do not condemn this entire commodity; we don't say they are all bad. We say that the particular one that Mr. Smith met his injury from, this one failed to live up to the standards that the company itself had set for its production," you see, that's easier, and even though there were three or four on that jury who had Montgomery Ward lawn mowers, they were ready to accept this kind of principle, that mine may be all right, but the other fellow's wasn't built according to specifications, and thus you limit very sizably the area that you have to pull the jury across in order to get the satisfaction you need for your client.

Well, there are other problems in jury selection in these cases. Ordinarily, for example, if you are trying a plaintiff's case, tort action, a salesman—he's a great juryman for a plaintiff. He is a gregarious-type creature. He likes people; people like him. If he isn't, he can't be much of a success as a salesman. So you like a salesman.

Now take a salesman in a Products Liability case. He learns his product—this drug is absolutely safe, or this toy is absolutely safe—absolutely safe is a warranty, an express warranty, and he learns to his horror that all the puffing he's been doing over all the years suddenly becomes contractual, or they sound like contractual warranties. It's hard for him to accept that concept, and he is not a desirable juryman for the plaintiff in a Products Liability case. Nor is the small shop keeper who may learn to his horror that the contents of a bottle or the contents of a can, which contain something bad for the consumer, even though he's never had a chance to open it and look at it, he, too, in the chain of command, may be held responsible. It's hard for a small storekeeper to accept that principle—he's bad for the plaintiff.

Say, did you know there are body types in jury selection? You've got to watch your juries. If you are wedded to the pen and pencil and you are writing all the time, forget it. You're missing half the battle. Look at them from the minute they answer their name to the minute they walk up to a seat, look at them. Now I don't know quite how you select your juries here, but if you are in an area where they call the juryman's

name and he has to walk to the box or to a seat, watch him. They say "Alfred Julien," and some meek fellow gets up and he says "present," and he ambles up and he takes a seat. Well, he's no problem, but they call "Alfred Julien" and the fellow squares his shoulders, stands up—"here," and he marches up in military fashion, he sits down in his seat, he looks up and down to see who's going to give *him* trouble—he's a leader—watch him.

Something else you've got to watch. Now I am not saying that the next idea is basic in jury selection. While this is not my topic of the day, I will just touch upon it this way. In jury selection, I devote forty per cent to occupation, twenty-five per cent to race and religion and about ten per cent to body types—body types. There are a few per cents that I've left off—they're special things I won't tell my family about. But the body types are quite interesting. For example, you meet a fellow like my friend, Jack Travis. Stand up, Jack, let them look at you. Thank you. He's an endomorph. An endomorph—and you can tell your wife I said that about you because that's the nicest thing you can say. They are wonderful people; they are generous; they are kind and they love people and people love them. Of course they're pretty fully packed, you know, and on the large size. Sometimes they come in dressed with very loud ties or boldly patterned suits or shorts. Don't let that throw you. They are great. Wonderful people for a plaintiff. If you are trying a case for the defendant—if you must—they're not so good.

Now the next type is the ectomorph. I don't see an ectomorph in the house. I'll describe him to you. An ectomorph is a very skinny fellow —and stop looking at me now, very skinny fellow, long neck and he dresses very precisely. His shirt has to come out exactly so with large cuff links and his tie is firmly knotted—very precise dresser—he is withdrawn. He doesn't like people; he's thinking about himself most of the time. He works in beauty parlors or interior decorators—no, I don't mean that. Some of you were ahead of me, you know. You will notice when you talk to him directly he will look at you. The minute you have finished questioning him and move on to someone else, he's lost all interest. He's concerned only with himself. He's the ulcer type. He does not have empathy with other people; he does not relate to other people—not a good juryman for the plaintiff. For the defendant, well, the opposite prevails. And the final body type that I'll tell you about before I get back to Products Liability is the mesomorph. The mesomorph is the big, athletic type. He's a good golfer, he's a great athlete, generally speaking, and he thinks of muscles—they're very important to him. You come to him with a case involving a fractured femur, he'll understand it. He remembers that that kept him off the football field and he couldn't play

basketball. That's an important injury to him. If you talk to him about a neurological problem, a psychiatric problem, he'll never buy it, he'll laugh you out of town. His is the land of the muscle. He will not relate to that type of injury and so he isn't too good for that particular purpose.

Again in jury selection, in the Products case, you have to look for a jury of inperts—i-n-p-e-r-t. That's the opposite of experts. You want no one who knows more about the area that you are talking about than you and your expert. You are trying a caddy cart case, you don't want a caddy; you don't want an expert golfer. Of course you don't want a golf architect, if you happen to run across that. You are trying a lawn mower case, you don't want a draftsman, you don't want an engineer—only inperts, because if you try it to an expert that expert will lead the jury and you will never know which direction he will lead it. He will tend to disagree with your expertise and your expert and you cannot afford to have him.

It's important to get your experts early. In a Products case you may not treat the file as "well, this will probably be settled" the way you do with your automobile cases. You can't do it. If you want to take a Products case, understand that you need a good file from the very start, and get your expert to look at the product quickly. Sometimes you will have difficulty in locating experts and there is a commercial organization now who for a fee, a small fee, will tell you the names of experts who have testified in similar cases and will also give you some background on the particular product involved in your case, and I'll give you that name so that you can have it for your record. It's called the Lex Computer Systems, Inc., located at 617 Veterans Blvd., Redwood City, California, but they cover the entire country with this problem. So if you want to know something about a particular product, or where can I get an expert in a particular field, they can be helpful to you. And by the way, an expert need not be someone who has actually worked in that particular field, an engineer, who only by study and research has acquainted himself with a different type of engineering problem, it is perfectly admissible as an expert. Research and study alone may qualify an expert and it has been held that way in many places.

A very fruitful source of liability is industry codes and regulations. The National Safety Council and other similar groups have an enormous amount of codes for almost all fields of safety endeavor. These codes are not only useful to you for cross examination of the experts against you, but they are useful to you and some courts are accepting them as evidence. In addition to codes there are all kinds of statutes, and the Federal Government has come down with a number of statutes recently

which are helpful, like the Hazardous Substance Act and the Labeling Act and the Federal Flammable Fabrics Act. All of these things can be helpful to you.

There is one thing that you must bear in mind. None of these regulations, none of these codes tell you that, and that is that these are minimal requirements—minimal requirements, which means this: you may have a case of a fabric that ignites immediately, and all fabrics, particularly for clothing and wearing apparel are supposed to be flame resistant for certain periods of time, and the seconds are set forth in that Flammable Fabrics Act and regulations which have been passed under it. Now it may be that the fabric you are complaining about satisfies the regulations of the Flammable Fabrics Act and yet there are experts who can be obtained who will say it is still insufficient. These are minimal requirements, but reasonable care in the production of these fabrics can require far more than minimal requirements and, therefore, there is still liability in your case. So don't accept—do not accept the codes as the full requirement or the full answer to any case. You may proceed even further than that.

In all these Products cases have everybody available in the case. All defendants should be there. The golf cart case had the country club; it had the manufacturer of the golf carts; it had the distributor and renter of the golf carts; it had the pro at the country club; it had the driver of the golf cart. The jury didn't accept liability as to all of them. They found only as against the firm renting the carts and the country club itself, but their testimony was important because you will find to your horror if you leave a defendant out it will be that man or that company that the others will point to as the responsible party in your depositions or at the trial. By that time whatever statute of limitations is avialable will have disappeared and you will be without remedy.

The statute of limitations is another thing you want to think about in your Products cases. In breach of warranty, generally speaking, statutes of limitation have been held to run from the time of sale, and that's why the strict negligence, the strict liability, which your court recently held is so important. Of course it, like negligence itself, runs from the time of the injury, and this is an important weapon, because if it runs from time of injury, then of course there is no limitation of liability depending upon when the product is sold.

I had a case in New Jersey where a great press was involved, an instrument used to bend metals, a very dangerous instrument. This one in particular had what is called a "drift time", which meant that after you pushed the off button to turn the machine off, without warning, actually the machine was running down for a full six minutes during any which period of time if you touched the treadle which activated the

machine, this great head could come down and cut off fingers and hands, as it did in this case and there was no warning of drift time. No warning at all. The machine was fifteen years old at the time it caused the hurt to my client and still an action stood up successfully against the manufacturer, because limitations ran from the time he was hurt.

You know that there is a drive under way, on a serious note here, in all the states of the Union, something called Keeton-O'Connell, to try to do away with our present adversary system in the trial of automobile accident cases. Of course you might say, with this burgeoning field in Products Liability, won't that take up the slack? I don't think anything can take up the slack. I think that automobile accident work is an economic base for a great number of the bar of the country. But if that were the only thing standing by itself it would be no justification for the perpetuation of the present system. But what is being attempted is in the name of reform, and you can do anything in the name of reform. In the name of reform they are attempting to get the public to buy the plan where anybody involved in an accident, however badly at fault, is entitled to the same recovery as the one who is innocently hurt. It will come out of premiums paid by us and the rest of the policy holders, and it will need a new gigantic administrative tribunal to take care of it. Someone else has talked to you about it and you can read the articles about it, but it simply means that the drunk who runs across the road and hits your wife driving the car on her right side, if she is badly hurt, but she is not a worker and she only has a $50.00 doctor bill, that's what she gets, and if he's badly hurt but he is a worker and he runs up big doctor bills he can get $10,000.00—the drunk, or make it worse—the felon, fleeing from the scene or from prison or from an accident can get paid the same amount.

We reward the unworthy along with the worthy and these huge premiums will come out of all of our pockets and our clients' pockets. The reason I mention it to you is that in August the American Bar Association meets in Philadelphia and some of you will attend it, and every now and then these crackpot reformers present something up there and ask for resolutions. Watch it, because by protecting yourselves you are really protecting the public and the public has no spokesman but you and I.

Mr. Ed Montgomery of Jackson introduced Major General Kenneth J. Hodson, The Judge Advocate General of the Army, who delivered the following address:

THE WORLD'S LARGEST LAW FIRM

Gen. Kenneth J. Hodson

Thank you very much, Ed.

Mr. President, distinguished Judges, Lawyers, ladies and gentlemen, fellow members of the military:

It is an honor and a privilege for me to address this distinguished group. You gentlemen are to be commended not for my coming from Washington to Mississippi but for the mules which Mississippi sent to Washington.

You know, years ago, to give you inside information on what's going on back there, was the extensive coverage by the media, particularly tv, if you watch the program as I do, you know perhaps more than I do about what's going on back in Washington. So I won't attempt to be an expert in that area. I have been in the Pentagon this time ten years and you are supposed to develop ulcers and illnesses if you are there more than three. People ask me, "how do you do it?" Well, it's because I've got a hobby. The hobby within the Pentagon is not to try to figure out all of the answers to all of the problems that hit it, but I watch "In and Out" basket labeling as a hobby. And I'll just mention a couple of the interesting labels that I've run into. When an officer comes into the Pentagon, he's given a desk, he's got an "in" basket and an "out" basket and he may spend his three years there taking papers out of the "in" basket and putting them in the "out" basket. Now I don't know whether he ever figures out where or he may never figure out where this paper came from and he may never know where that one went to. We do this, because unlike law offices in the country, our secretaries and stenographers are civil service, and sometimes they don't stay with us very long, but they can read "In" and "Out", so they know where the papers go. But you'll find some interesting departures from this. For example, one of the first things that's likely to happen to one of the officers there is, he'll add a third basket which is called "hold" basket, but this lacks imagination, and in a little while he'll change "hold" to "too hard", so he'll have "in", "out", and "too hard", and that basket is always full. Then the others go into baskets labeled "urgent", "frantic", "pressing", and "overdue", which means that this officer is about ready to volunteer for service in a combat area. I ran across one the other day which I pass on to you because I think it will help you in your law practice, and that was the old two basket desk, which was rather simple, labeled over here instead was "Problems which will be solved by the passage of time", and the "out" basket, "Problems which have been solved by the passing of time."

An article in *Business Week* earlier this year contained a discussion of the World's Largest Law Firms. You may have seen it. The largest—in New York City—was reported to have 169 members. The article failed to mention the Judge Advocate General's Corps of the Army, which con-

sists of some 1,500 judge advocates in uniform, all of them lawyers. As I have the responsibility of selecting lawyers for appointment as judge advocate officers, training them in the intricacies of military law, assigning them throughout the world to provide legal advice to Army commanders and Army personnel, and as I have the further responsibility of exercising professional supervision over their work, I think it is fair to call the Corps a law firm. The Air Force and the Navy have similar legal organizations, functioning under their respective Judge Advocates General, and providing legal services for their commanders and their personnel.

It was obvious that the *Business Week* article was talking about what is sometimes referred to as the "Wall Street" type of law firm. The distinction between the Wall Street law firm and the Judge Advocate General's Corps seems to be a matter of geography, a matter of the type of law practice, and, perhaps more important, the fact that the Wall Street firms start law graduates out at $15,000 per year.

While I can't start my judge advocates at $15,000 per year, and while they usually must leave the New York area in order to carry out their duties as judge advocates, I assure you that judge advocates do practice law. Further, the type of law practice handled by judge advocates is varied, interesting, and challenging.

When civilian lawyers think of military lawyers, they frequently think of courts-martial. While the operation of courts-martial is an important segment of our work, we actually provide legal advice on almost every subject that is found in civilian law practice. Thus, you will find judge advocates working in contracts, patents, tort, real estate, international and criminal law. We also serve as house counsel, and advise the Army on all legal aspects of its operations, both here in the United States, as well as overseas. We are also involved in litigation in the Federal Courts. While the Attorney General is responsible for representing the Army in these Courts, judge advocates prepare litigation reports, round up the witnesses, prepare briefs, and, in habeas corpus cases, frequently conduct the proceedings in court.

Under our legal assistance program, we counsel military personnel and their dependents with respect to their personal legal problems, such as contracts, leases, domestic relations, wills, guardianship, and powers of attorney. I hasten to add that we don't appear in court in these matters, and we are grateful for the fine referral systems which the many state and local bars have established to enable our personnel to get good civilian attorneys when proceedings in court are indicated.

I thought you might be interested in a comparison of judge advocate work in Vietnam with what some of you might have experienced or have

heard about in World War II or Korea. Basically, the same problems are encountered. In Vietnam, for example, the workload and problems in military justice, international law, claims, and procurement are about the same as we have experienced in the past. However, there are differences.

As this is Friday, it would be appropriate to say T G I F. That, of course, means, "Thank God it's Friday". In Vietnam, they add a few words and it becomes "Thank God it's Friday—only two more working days till Monday."

We have nearly 100 Army judge advocates on duty in Vietnam. They normally work 12 or more hours a day, 7 days a week. One judge advocate explained this by saying: "Things are different in Vietnam. There is always plenty of work to be done, and working makes the time pass swiftly. Besides, there isn't anything else to do."

Military Justice

Military justice—or criminal law—in the Armed Forces is administered under the Uniform Code of Military Justice, which became effective in 1951. This is a most modern and most liberal code of criminal law and procedure. If a defendant is charged with a serious offense, he is accorded better protection of his rights and fairer treatment than defendants in many of our civilian jurisdictions.

I'll cite two examples:

A defendant before a court-maritial has an absolute right to a complete pretrial discovery of the evidence against him. Before he can be tried by a general court-martial—our court of general jurisdiction—there must be a thorough pretrial investigation, at which the accused has a right to be present, and to be represented by a lawyer provided by the Government. He may examine the evidence, cross-examine witnesses, and present matters in his own behalf. In effect, this investigation is a pretrial trial of the case. The second example that I will mention is the right of the accused, if his sentence includes confinement for one year or a punitive discharge, to an automatic appellate review of his case, at which he is represented by a legally qualified counsel at no cost to himself.

When the Uniform Code was enacted, there was some doubt whether it would work in the Armed Forces in time of war. There was a feeling that such a liberal code might be detrimental to military disciplines.

Korea demonstrated that the Code could be made to operate effectively in a limited war environment. Vietnam is showing that the Code is sufficiently flexible to be effective in a counterinsurgency conflict.

The Army now has three law officers in Vietnam. They perform substantially the same functions as a Federal District Judge in a criminal case. These three judges travel the length and breadth of the country by air so that general courts-martial can be held without delay.

Many cases of all types are being tried in Vietnam, but it is a compliment to the morale, discipline, and training of the troops to be able to report that the court-martial rate in Vietnam is below the Army world-wide rate.

There are, of course, problem areas. The one-year rotation policy makes it almost certain that one or more witnesses will be scheduled to rotate to the United States before the trial. As it is undesirable to retain personnel beyond their rotation date, we have had to resort to the use of depositions more frequently than in other areas of the world.

Transportation is difficult—for counsel, for the witnesses, and for the trial judges—because you can't move around freely by road, and must depend on hitching a ride on whatever aircraft is going in the right direction. If operational requirements are heavy—as during the TET offensive—we experience unusual delays.

In addition to difficulties in travel, delays have been caused by combat itself. For example, I have seen several records of trial which contained reporters' cryptic notes reading somewhat as follows:

> The court recessed while the members of the court, the law officer, counsel, the accused and the witness sought shelter in nearby bunkers during a mortar and rocket attack.

In another case that came to my attention the other day, the defense moved for dismissal on the grounds of denial of a speedy trial. The prosecution introduced evidence that the original pretrial investigating officer had devoted almost a month to the investigation of the rather complicated charges, but had been killed in combat before he could prepare his report. Thereafter, it had been necessary for a new investigating officer to be appointed and he had required almost a month to reinvestigate the charges. On the basis of this evidence, the trial judge overruled the motion to dismiss.

If you think that you have difficulties in getting witnesses rounded up for a trial, let me read you excerpts from a letter which one of my judge advocates sent to a civilian in the United States who had been requested as a witness.

> Orders have been requested from Department of the Army inviting you to attend the trial of the U. S. vs. Private _____. If you decide to attend, I would suggest you go via Cam Ranh Bay, An Khe, and then to Camp Evans.
>
> I feel that you should be advised that Camp Evans is not a

> secure area. It is subject to enemy mortar and rocket attacks day and night. Within the past week, at or near the location of the place of trial, within Camp Evans, 7 soldiers were killed and 30 injured seriously enough to require medical evacuation. The tent in which court will be held has also been hit by mortar fire.

Incidentally, that letter was opened by the witness' wife, and she issued an order that her husband would not attend the trial. Fortunately, counsel were able to stipulate his testimony.

Complying with the Miranda requirement that counsel be furnished to an accused during custodial interrogation has caused some difficulty —principally delay— as combat operations and investigations frequently occur far from the base camp where the judge advocate normally has his office. I am proud of my judge advocates over there, for, in such instances, they have no hesitancy in complying with requests that they go out into the operational areas when necessary for them to carry out their functions.

Claims

Let me depart from military justice and discuss some other features of the work of judge advocates in Vietnam. Under the Foreign Claims Act, we process about 400 to 500 claims against the United States each month. These are claims arising from the acts of U. S. personnel. However, claims arising directly or indirectly from combat are excluded from settlement under the act, as are claims filed by the enemy. These exclusions raise interesting problems in Vietnam that are not solvable on the basis of our World War II or Korean precedents.

Those precedents say that "combat" includes clearing fields of fire and includes convoys heading toward the front. Such precedents cannot be applied easily in Vietnam. Defoliants are now employed to clear an area, to deny concealment to the enemy, or for other purposes. The front lines cannot be drawn on a map, so it is difficult to know whether a convoy is going to or from the "Front". As a matter of fact, in Vietnam, it is usually doing both. And, when they are standing before a claims officer, how is he to distinguish between a friendly Vietnamese claimant and an enemy Vietnamese claimant?

Some flexibility in combat damage cases is provided by the Military Civil Assistance Program. This program, which was set up with the advice of judge advocates, but is administered by the Vietnamese, provides compensation for combat-connected injuries or damages sustained by Vietnamese in areas controlled by the Government of Vietnam.

We make solatium payments in Vietnam, which, as some of you

may know, are not predicated upon legal liability. Food, clothing, shelter and medical assistance are frequently furnished in addition to money.

Recently, a prospective Vietnamese claimant revealed to other waiting claimants that she had lost a diamond ring when knocked from her bicycle by a U. S. vehicle. A total of five claims submitted that same day contained as an item of damage the loss of a diamond ring. Thus, you can see that claimants in Vietnam are not much different than claimants elsewhere.

Advisory

Perhaps the most distinctive feature of a judge advocate's service in Vietnam is the advisory program.

The Military Assistance Command staff, its lawyers included, has responsibility for the U. S. military advisory effort. The Military Assistance Command—Vietnam—which we shorten to MAC-V has a joint legal staff, headed by an Army judge advocate, consisting of judge advocates of the Army, Navy, Air Force and Marine Corps, and at one time it included an Army WAC lawyer. I want to emphasize that what I say about the advisory function of judge advocates applies to the judge advocates of all services.

It may be helpful if I quote part of the advisory mission statement of the MAC-V staff Judge Advocate:

> The Staff Judge Advocate provides advice and assistance to appropriate Republic VNAF agencies on all matters relating to the administration of military law, Judge Advocate activities, discipline, law and order; assists the Republic VNAF to establish and maintain a workable military legal system suitable to its institutions, customs and traditions and in the furtherance of its mission; assists the Republic VNAF legal agencies to furnish legal advice and service to the Commander in Chief of the RVNAF and his subordinate commands and staffs, and to formulate plans, policies, and directives concerning the administration of all phases of military law. In addition, the Staff Judge Advocate maintains liasion with and assists civil legal agencies of Vietnam in order that they will bring support to and assist the United States and Republic VNAF efforts in the accomplishment of their mission.

With this mission, it was obvious that American lawyers had to know Vietnamese lawyers and judges if they were to be of assistance. The MAC-V Staff Judge Advocate, Colonel George Prugh of the Army, was instrumental in establishing the Law Society of Free Vietnam. The Law Society consists of lawyers and judges in South Vietnam, regardless of nationality. It holds seminars regularly at which are discussed a wide variety of subjects, varying from juvenile delinquency to the role of law-

yers and judges in a free society. These seminars were translated and taped and were distributed throughout Vietnam.

Advising Vietnamese judge advocates and military courts is the primary duty of five judge advocates assigned to MAC-V. They function in part as trouble shooters and as management consultants. They have provided office equipment and supplies, and schooling for Vietnamese personnel, under the Military Aid program. They have translated important documents including the 1949 Geneva Prisoner of War Convention into Vietnamese. They have drafted Vietnamese Decree Laws and implementing instructions in the field of military justice. They serve as a useful liaison channel between the U.S. and the Vietnamese military. Their work is, as is the work of most judge advocates in Vietnam, unique.

Our judge advocates also work closely with the American Embassy on a variety of international law problems. They also work with various non-military agencies of the Vietnamese Government, but particularly with the Ministry of Justice. As you know Vietnam has a new Constitution. The Ministry of Justice has the difficult problem of interpreting and implementing that document. The Ministry frequently calls on our MAC-V judge advocates for advice with respect to our experience in the United States on similar problems. What they ask is, "How do you handle this in the United States?" "What kind of laws do you have on this subject?" And so on. This does not mean that they adopt our laws and precedents en toto. But the knowledge of those laws and precedents and the willingness of our judge advocates to share their knowledge and experience with the Vietnamese are very helpful and are very much appreciated.

Admittedly, I have touched upon only a few of the facets of the work of judge advocates in Vietnam. I want to tell you one thing about that work that never ceases to amaze me. That is the complete dedication of the judge advocates to the accomplishment of this advisory function. More than 100,000 of our soldiers have volunteered for service in Vietnam, many for second and third tours. Some of our judge advocates are in that number. Colonel Durbin, the first MAC-V judge advocate, has completed two tours over there, totalling almost four years.

Just this week, a young JAG captain came into my office. He was on temporary duty from Vietnam and was doing some research in the Congressional Library and in our office in connection with some problems he had encountered in his work as liaison officer with the VNAF and the Ministry of Justice. He was completely convinced that his contribution to the advisory effort was worthwhile, and he told me that he intends to extend his tour by six months so that he can be sure his pro-

gram succeeds and that his replacement really gets off to a good start. In addition to his liaison work, he is lecturing at the law school in Vietnam, and he runs a special lecture series for Vietnamese lawyers and judges at night. As a matter of fact, throughout Vietnam, our judge advocates teach English to Vietnamese lawyers and law students, and conduct courses in basic American Law.

In a recent letter, General Abrams, who as you know has replaced General Westmoreland, had this to say about our troops:

> Scarcely a day goes by that I don't gather inspiration from individual performances by Army personnel, both officers and enlisted. They have the capacity and use it to rise above any obstacle. Many are quite young. The rare combination one finds many times—is patience, determination, enthusiasm, optimism, compassion, and discipline—all wrapped up in a 21-year old package from just any town in the United States. They seem to have more faith in themselves, and in the country they represent, than the people at home.

We have a right to be proud of these young men. As fellow members of the legal profession, you have a right to be proud of the dedicated efforts of your brothers in uniform, and their magnificent contributions to our mission in Vietnam.

SECOND GENERAL ASSEMBLY

Friday, June 28, 1968

Mr. Gibson Witherspoon of Meridian introduced Mr. William T. Gossett, President-Elect of the American Bar Association, who delivered the following address:

THE PRACTICING ATTORNEY AND THE ABA

William T. Gossett

Mr. President, other officers of the Mississippi State Bar, members, distinguished guests, ladies and gentlemen: You have honored me, and the American Bar Association by inviting me to share with you this pleasant event in your annual meeting. Quoting that distinguished lawyer, Harrison Tweed: "I have a high opinion of lawyers. With all their faults . . . they are better to work with or play with or fight with or drink with, than any other variety of mankind."

Let me add that it is a privilege to be here today with so many Mississippi lawyers and their distinguished guests. It is a great privilege to be here today and I appreciate very much Gibson's generous intro-

duction. Nothing is quite comparable to the grace, the charm and the hospitality of your Deep South. Gibson forgot to tell you that I was born down in Texas and have relatives in Houston, and I know something of this Gulf Coast, this being my first visit to Biloxi. My wife wanted very much to be with me but she could not make it.

Mr. Julien this morning was of interest to me. He is obviously one of those Brooklyn lawyers, a straight plaintiffs' lawyer. Fortunately, or unfortunately, I have always been on the other side, but I want to tell you we owe a great deal to lawyers of the character of Mr. Julien. They have kept us on our toes for years. When I went to Ford, about 3 months later we got a $340,000,000 anti-trust suit. Henry Ford said to me, "I brought you out here to keep us out of trouble, and now we have got more trouble than we ever had before." I reminded him that the suit arose out of facts that took place on advice given to the company before I became its general counsel, but I had the pleasure or the problem of defending that suit, and I also recall any number of cases where the principles to which Mr. Julien referred this morning were put into play. One of them was a case that we had at Ford Motor Company where a duck flew into the windshield of a duck shooter, and he lost his eye, and the theory of the plaintiff's case was that the windshield was defectively manufactured or it wouldn't have shattered. So we went to trial, the insurance company representing us, and about two-thirds of the way through I received word from the insurance company counsel that we could settle the case for $10,000, and I said, "Go ahead. That's within the realm of negligence and I think somewhat of nuisance value in view of the offers made to us earlier." We settled it for $10,000 and then took a poll of the jury and the average verdict that they would have given the plaintiff was $30,000, so I thought I exercised good judgment there, but it shows you—that was 20 years ago—juries then were beginning, as they always have to hold big companies liable for possible theoretical negligence.

The lawyers of this state have contributed significantly to the work of the American Bar Association. As you know, John C. Satterfield served as our president seven years ago, bringing to the office great individual gifts. And two other distinguished Mississippi lawyers have served on our Executive Committee or Board of Governors: L. Barrett Jones, of Jackson, in 1934-35 and A. T. Stovall of Okolona, in 1922-25. Your Bar won our Award of Merit in 1966, and the Jackson, Mississippi Junior Bar has won two ABA Young Lawyer's Section Awards of Achievement.

I hold in my hand a list of names of fourteen Mississippi lawyers who are active in ABA affairs. We are grateful for the benefit of their wisdom and good judgment in our deliberations. Other Mississippi law-

yers, too numerous to mention, have been active in the American Bar Association, and the ties between it and the Mississippi State Bar have always been strong and close.

Next August, when I am privileged to succeed to the presidency of the ABA, I shall expect from the Mississippi Bar the same kind of solid support that you have so generously given to my long line of predecessors. In return, I shall do my level best to provide through the ABA the quality of leadership that you are entitled to expect from that great national organization of lawyers.

In 1878, in its first year, the American Bar Association had some 200 members. That was the year in which the first telephone exchange was opened; in which the first woman suffrage amendment was introduced in the form in which it was adopted nearly forty years later; and the year that the Supreme Court of the United States held that the power to regulate inter-state commerce extended to instrumentalities by which commerce is conducted. Today, eighty-nine years later, the Association has almost 130,000 members, most of whom—100,000—also hold memberships in various sections of the Association, because they have interests in specialized areas of the law.

To the statistician, those figures will be an interesting reflection of the quantitative growth of the nation. To the sociologist, they will reveal evidence of the increasing complexity of the American life. To the lawyer, they will have at least two meanings: first, the enlargement of the arena—socially, economically and legally—in which every lawyer, whether in a remote village or in a teeming city, practices his profession; and second, the increasing degree to which every lawyer has become aware that he is looked to for leadership, not only in his own community, but as a member of a profession that is national in its concerns and national in its influence.

The practice of law today, to keep abreast of the inordinate demands made upon it by a fast changing society, requires paradoxically both a broader knowledge and a more specialized grasp of the law. The range of activities to which old laws are applicable, and in response to which new laws are enacted, grows almost daily. And so we are witnessing not only a radical social transformation but a parallel reorientation of the whole legal profession.

Today, for example, individual practitioners though still a mainstay of the profession, represent barely 40% of all lawyers, a decline in the past two decades alone of 33%. Of lawyers in private practice, an equal and increasing number now practice as members of law firms. At the same time, the proportion of lawyers devoting their careers to government service has risen to one out of every nine. An almost equal proportion

of lawyers are employed full time by private concerns—corporations, labor unions and other organizations.

I remind you of these trends because they make the lawyer's task of defining and fulfilling his broad responsibility in society far more ambiguous than it has been in the past. Nevertheless, the general terms of that responsibility still are perhaps easily stated, as they were recently by Mr. Justice Fortas. Said he: "A lawyer is not merely a craftsman—or even an artist. He has a special role in our society. He is a professional, . . . specially ordained to perform at the crisis time of life of other people; and almost daily, to make moral judgments of great sensitivity. He is the principal laboratory worker in the mixing of government prescriptions. His is an important hand at the wheel of our economy because as a lawyer, he has a profoundly important voice in business transactions. And, of course, he is the custodian of the flaming sword of individual justice and personal liberty, as well as of the public order."

As Mr. Justice Fortas indicated, the means by which a lawyer's professional duties are carried out no longer center exclusively on his private practice. To a certain extent, under the conditions of modern society, the social stewardship of lawyers is performed through the voluntary association of local, state and national bar organizations. You are, of course, acquainted with these.

It is hardly necessary to remind such a sophisticated audience as this that the ancient problem of adapting law to the conditions of modern society have acquired a wholly new magnitude, complexity and urgency. We are confronted by a movement of social protest that questions the efficacy of the law as an instrumentality of social justice—a movement that asserts that the administration of law has been used as a device to frustrate the legitimate aspirations of those seeking to participate in the benefits of American society. In recognition of its obligations in that area, the American Bar Association recently created a new Section on Individual Rights and Responsibilities. The premise upon which that section was authorized by the House of Delegates is that rights without responsibilities can lead to chaos, and that responsibilities without rights can lead to tyranny. The practical mission of the section, therefore, is to determine how our profession can take the initiative and play a more productive part in reducing civil strife, and how the approach to a solution of social unrest and injustice can be changed from riots in the streets to constructive action in the courts and the conference rooms.

In any event, the American Bar Association must make its position clear on one point: mob uprisings, whether on the campus or in the ghetto, are complete negations of justice—of all that civilized man has

striven for over the centuries. As such, they must be dealt with calmly and with restraint, but promptly and effectively—with absolute clarity that criminal methods will not go unpunished, and that blackmail and violence will not be tolerated. A civilized society has no acceptable alternative. No civilization can live in constant tumult and violence. We will either have civil order and respect for law and authority, or sooner or later we will have massive repressive measures comparable to those of a police state, which would be a catastrophe for all of us. For if this nation, or the institutions, public or private, that have made it—for all its imperfections—"the last best hope on earth," even concludes that flouting the law is a right to be exercised at the discretion of everyone, or to be governed only by the intensity of one's cause, then as a free society we are finished—and brute force will take over.

Within the profession itself, we are trying to improve the operative conditions under which the practice of law can be conducted as a rewarding career. To cite a few examples: The ABA was largely instrumental in getting legislation enacted to afford lawyers, and other self employed, rights to participate in retirement plans, which now have become an established part of corporate, institutional and government personnel policy.

Also the Association is seeking relief from the artificial ceiling imposed on fees in cases involving proceedings before federal administrative agencies. And through the standing committee on the Economics of Law Practice, it is seeking answers to the perplexing problem of making time-consuming legal services to the average citizen economically feasible in the average law office. The same committee is commencing a study of the special economic difficulties of the small firm of three men or less with a view towards finding means of minimizing or eliminating those difficulties.

Central, however, to the real and deepest interest of our entire profession is the unqualified confidence of the public. No one thing can do more to assure this, I think, than the establishment of standards of ethics that are sound, that are clearly articulated, and that are resolutely observed.

For well over half a century our Canons of Professional Ethics have been substantially unchanged. A special committee of the ABA now is re-examining them, revising them and rewriting them, all to the end that in form and substance they will fit the new realities of today and relate more directly to the values of today's society. It is significant, I think, that the new body of the canons will be called a "Code of Responsibility." For the point of a code of professional ethics is two-fold: on the one hand, it should protect the public from irresponsible law-

yers; and, on the other, it should protect the vast majority of responsible practitioners from erosion by the handful of bad apples inevitable in any group numbering more than six figures in size. Related to this problem is the program of the ABA's newly-created Special Committee on Evaluation of Disciplinary Enforcement to study on a national basis the whole matter of professional discipline; and that committee is headed by Mr. Justice Tom C. Clark, who as you know, retired recently from the Supreme Court.

The American Bar Association has been active also in the sensitive process of constitutional amendment, the twenty-fifth, was added last year to the Constitution of the United States. That amendment provides, for the first time in our history, a sound constitutional basis for the transfer of Presidential powers from the President to the Vice President, in the event of the incapacity of the President, and also for filling a vacancy in the Vice Presidential office. This corrects a situation that has haunted the nation since the first time a President died in office, in 1841.

More recently, the ABA Commission on Electoral College Reform recommended that the "archaic, undemocratic—and dangerous" method of electing Presidents by the artificial device of the electoral college be abolished. The realities of modern life have made the electoral college a mechanism that is far less feasible to carry out the will of the people than likely to abort it.

Other matters of general urgency—among them, legal, judicial, social, educational and economic problems—are receiving the attention of our profession on a national scale through the organized agencies of the American Bar Association. Many of these get to the very core of a free society trying to live under the rule of law. The quality of our courts rank high among such problems.

The aspiration to life under a just rule of law is but an empty dream if the courts are inadequate, incompetent or unstable. And so the intellectual quality of our judges and their social insight, as well as their learning in the law, are of paramount importance—the more so when our courts are under constant attack by the uninformed, the thoughtless and the prejudiced.

The American Bar Association, through more than one of its arms, now is addressing itself to the need for constantly improving the courts and the administration of justice. State and local bar associations, including your own, I am pleased to report, are cooperating wholeheartedly in this fundamental mission. The ABA Committee on the Federal Judiciary has been deeply concerned with raising the level of appointments to the federal courts. As you know, this is not a simple matter,

although the Committee screens all appointees to the federal bench, at the request of the President and of the Attorney General.

But let me emphasize here today a well-known principle in court administration: the process of upgrading of appointees. The efficient functioning of the courts all along the line—federal, state, county and municipal—is a matter of pressing importance. Today all of our judicial institutions, as you know, are subject to new stresses, new demands and new orientations. The American Bar Foundation and the American Bar Association have approached this problem along several routes.

The American Bar Foundation launched last year an extensive study of docket congestion, growing out of mounting caseloads, in the eleven United States Courts of Appeal. The study is to be completed during the current year, and will, we hope, suggest specific solutions to this critical problem—solutions *other than* the addition of more judges in all circuits!

On the positive side, a unique and promising venture is a program of summertime seminars for new state court trial judges, during which they will be able to discuss with judges of long experience some of the procedural and administrative problems of trial courts, and benefit from their guidance. To insure a high quality of judges in the future, intensive research has been undertaken on various systems of selecting judges on merit, and on removing judges who, for one reason or another have out-lived their professional usefulness. These studies have had more than merely a theoretical result; they have led to the drafting of statutes that today are being considered by the legislatures and electorates of several states.

Of importance to the nation as well as to the legal profession is the improvement of legal education. The competence of lawyers in this country today is at the highest level in history, and it is constantly improving. The entrance requirements to the profession have been elevated steadily over the years, and they now are stricter than ever before. And through the American Bar Foundation, the ABA is conducting basic, advanced and inter-disciplinary research on legal processes and institutions.

It is hardly necessary to remind you that our profession has primary responsibility for the continuous reform of the law. We live in an imperfect world; and the laws of no nation have ever achieved the degree of perfection to which a conscientious Bar and an enlightened people aspire. And historically, when laws have been imperfect and ineffectual, it has been the responsibility of lawyers to improve them. In the words of Mr. Justice Jackson, "Any legal doctrine that fails to enlist the support of well-regarded lawyers will have no real sway in this country."

The legal profession is, I think, facing that obligation as a pressing

and demanding reality through the Conference of Commissioners on Uniform State Laws, and by other means. A major current activity of the American Bar Association for example, is a massive project called Minimum Standards for the Administration of Criminal Justice under the chairmanship of Chief Judge Lumbard of the Second Circuit Court of Appeals. This grew out of a deep and persistent concern that procedural reforms were not keeping abreast of the needs and pressures of our convulsive times. The project has been divided into six sections, each of which has a very able advisory committee: Fair Trial and Free Press; Pretrial Proceedings; Prosecution and Defense Functions; Sentencing and Review; The Criminal Trial; and the Police Function.

All of these areas are in need of clarification and improvement; and although the committee reports will not contain answers to all the problems of coping both justly and effectively with the frightening increase in crime that we are witnessing, they should contribute substantially to a more enlightened and efficient processing of criminal cases.

Already the House of Delegates has accepted new principles, proposed by the committee, in four of the six areas, including that of Fair Trial and Free Press, governing relations with the press by police, lawyers and judges, both prior to and during the trial of criminal cases. As a result, there is new hope for fewer miscarriages of justice due to prejudicial publicity that is based upon loose talk by lawyers, the police, and those associated with the judicial establishment.

The American Bar Association has also this year, for the first time in its history, appointed a Special Committee on Crime Prevention and Control, with an able and distinguished membership having special competence and experience in this area. The purpose of the committee is to help give direction and strategy to a vast national campaign to stop crime before it occurs; and through the collaborative efforts of state and local bar associations, and of the National Council on Crime and Delinquency, its impact will be felt ultimately where crimes are daily occurring.

Although I have been telling you about a few of the directions in which the American Bar Association has been moving to help build a better profession and a better America, in the end all of it comes down to the conscientiousness, the foresight and the dedication of lawyers as individuals. Bar organizations can only furnish the institutional mechanisms through which lawyers can do together what is impossible for them to do alone. Together, our profession, through its national, state and local bar associations, and through our individual actions as well, will fulfill the high mission vividly summarized by a very great trial

lawyer and public servant, Joseph Choate, when he said: ". . . if the personal liberty of all, under the protection of equal laws, is the end of government, then lawyers can safely challenge men of other professions to show a larger share in the whole work of human progress."

President Overstreet introduced Mr. Harris Morgan, Chairman, Economic Research Committee of the State Bar of Texas, who delivered the following address:

ROMANCING OUR FEES INTO THE TWENTIETH CENTURY

J. Harris Morgan

Thank you. I am honored and delighted to be here. Your state produced a man who in my state is looked upon as one who holds a place in the highest of the heavens in legal economics, and I refer to the man whom we call "St. Satterfield." I have every confidence that the reason he was able as the first major chairman of the Economics Committee of the American Bar, to understand so well the problems of the lawyer, surely the primary reason is the sad and degrading economic situation which has existed for a number of years in your great state, the State of Mississippi. As the Chairman of the Committee in the State of Texas, if I have any expertise, it is because I have the unfortunate job of being chairman of this committee in a state which revealed last year the startling fact that it has the largest median income for the lawyer uncovered in the last half a decade in the United States.

We know in the United States there are approximately 200,000 lawyers. We know that 115,000 of those lawyers practice as I do, as single practitioners. 70,000 of those lawyers practice in organizations of two or three, and only 15,000 of those practitioners practice in organizations as large as four or more. And yet almost everything that has been written and much of the thinking that has gone into the planning economically has dealt only with this small group of 15,000 lawyers nationally. In 1960 a miraculous occurrence took place and it is tragic that all of the "guessments" which were necessary before have continued. Prior to 1960 in the days when Mr. Satterfield came to Texas to help us conduct institutes, he had his opinions, but there were no specifics. No research had been done. It was "St. Satterfield's" opinion and nothing more. Later Mr. Cullen Smith became Chairman of the State Bar Committee, and we heard Cullen and we had Cullen Smith's opinions, and nothing more, and there were often elements of guessments, and occasionally the statistics bore out what one believed.

At the beginning of 1960 a major portion of money began to be spent in this country, and the major effect of that expenditure was how

can we help the lawyer, and we began to worry, seriously worry about this 190,000 group that practices in organizations of less than four men. And I refer the breakthrough to the great Missouri Motivational Study of 1960. It is tragic that that book is not next to your Bible and my Bible, in my home. It's tragic that there are thousands of officers that have never heard of the implications of the Missouri Motivational Study. This was the first opportunity of lawyers, lawyers very much like you and very much like me, to find out precisely what is wrong with the way we are thinking about economics. The last Federal investigation of income in our profession shows that the average lawyer earns less than $700.00 per month, which is about half of what it must be if this profession is to retain its solvency and we are to continue the posture of being a profession.

Now, there are many problems, and I don't want to be misunderstood. Pricing is not the only problem we have in the profession but in this vast majority of 115,000 people, pricing is the major problem, and it's the pricing that must be carefully looked at, studied and researched, The name of the presentation this afternoon is "Romancing our Fees into the Twentieth Century," and by that I mean giving careful thought to the fees and how to present it, and to be willing as one is in romancing to take a little gamble, to not be afraid, to be misunderstood as being a little forward, giving it its proper perspective.

There is little question that every one of us, whether we practice in a major firm, and after all in all of the State of Mississippi there is not a single major firm, major firms beginning at about 25 men and more. All of the firms in Mississippi are small. The great problem in pricing has been largely explained in the Missouri Motivational Study in my judgment, if it is carefully understood and if one is willing to be humble and to read it. You may know that in the Missouri Motivational Study, for the first time in about 50 years after the Post Bran Company made its first sashay into products analysis, what the people who pay for products actually want, the organized bar, already too impoverished to pay for a survey, was able to entice the Prentice Hall Company, who may have many problems of course but poverty is not one of them, to pay for this survey of investigation of what your client and my client actually want from us in the field of fees and billing, which is actually essentially a public relations problem.

Now the first thing which was uncovered in this survey that staggered everyone who has ever examined it is that when the clients, the people who pay you and pay me were asked the very simple question, what do you want from your lawyer when he gets ready to set a fee. The client was asked this information. Now, this is not just the man on

the street, this is the man who actually pays you and who actually pays me, and there's a vast difference between a hot air artist that never darkens the door of a lawyer's office, and someone who actually helps us feed our wives and children and family. And people who used a lawyer were asked, what is the most important single element in setting a fee that you believe your lawyer should consider. And the word "effort" appeared three times more often than any other single element—effort. In fact, out of the group of people who were questioned who used lawyers, 47% of these people listed effort as the number one criteria to be used by lawyers; the complexity or the importance of the case was mentioned by your clients and mine only by 18%. The ability that we have to pay was mentioned only by 15%, only by 15%. And the results and the value received was mentioned only by 6%, which is obviously so low in the client's eyes, that it does not even rate being placed upon this chart.

Now when the lawyer, men like you and like me, in the State of Missouri, were asked what is it that you consider the most important single element that should be considered in the setting of a fee, the lawyers almost to the amount of 100% said, why the efforts, the results achieved by the lawyer, the results, the value received, what I had done for my client. And yet only 6% of the clients even mentioned this as a major element to be considered in billing. And thus we found as we went through the Missouri Motivational investigation that there is less than a 20% correlation between what you and I believe as a lawyer our clients wants in the matter of fees and billing and what the client actually wants in the matter of fees and billing. It means that your intuition and my intuition is 80% wrong in this field, and unless the rules in crap shooting are quite different in the State of Mississippi from those found in Texas, one will readily go broke if his intuition and his luck is always 80% wrong. One can't go through life being 80% wrong, and yet it is quite obvious to all who studied this matter since 1960 that the intuition of the lawyer is 80% wrong in this field. So it means that you and I have to be willing to bill and to handle billing, public relations, setting a fee on the basis of learning something by rote. As you look at this card, which I know you wish, just as I do because I am also a lawyer, you will notice that it is blood stained, and you will also notice that it is mildewed, because more than any other one single concept it has starved our profession and taken us into such economic poverty that we have been forced to stand around and literally witness the good name of this profession being stolen. Look at it. Results. Only 6% of our clients even mentioned it and it means quite simply that the first single thing which must be extricated from your mind and mine in developing a scientific billing approach in the handling of clients, is to take this yellow, blood-stained card and get it out of the computer.

Now I know you like to win cases and I do too, but may I ask you a question. How many cases did you lose last year? What is the national average? 50%. How many cases did you lose intentionally last year? Ah, you lost some but you didn't lose them intentionally. Of course you didn't, because of your pride, your pride in your skill and your work, and of course you, just as I, win every case we have a chance to win. We try very hard, but it is to our client's credit that they understand this proposition with much greater accuracy. They realize that we would get the results if we could, but we feel if we have not gotten the results there must be something wrong with our presentation, the way we handled the case. You look at this card, and you look at it very carefully, and then will you join me in taking it out of your computer—garbage in, garbage out, and let me sail it down into the aisle and let's forget about it. And once one has made this first step to be willing to accept the fact that you and I tend to want to charge primarily on the basis of results, when our clients want us primarily to charge on the basis of effort, we have begun to make the type of reformation which is necessary in this profession.

Now, if you know anything at all about your office overhead, you know that a lawyer who has practiced about 15 years, who wants to earn a modest professional man's income, has to charge at a very high hourly rate. I find in Greenville, Texas, a metropolitan area of 25,000 people, that I must charge something over $50.00 an hour for each chargeable hour during the year. I know and you know that in projection of effort that someone cannot charge a very high hourly rate unless he develops techniques for projecting to the client what the client wants, and the client wants you and the client wants me to project effort. Now every man that has practiced, and I am the first to concede this, will have his own individual way. There is certainly one division in the projection of effort, the projection of nothing more than paper. For example, each of us must have the habit, since the Missouri Motivation study's great revelation, of sending a copy of every letter, every pleading that is received in one's office to the client with whom the matter lies, marked simply on the outside "for your information." One doesn't need any type of enclosure, just "for your information." Every work product done in your office and done in mine must have a copy stamped "for your information" and that copy sent immediately to the client. It means that every appellate brief that comes into your office needs to have a copy made, marked "for your information" and sent immediately to the client. And every answer to every brief needs to have stamped "for your information," and that answer prepared with your skill and your education is sent to your client. It means that every trial brief that is prepared in your office, even using the same abbreviations we have used since in law

school, plaintiff "pl," defendant "d," "rev" for reversed, "aff" for affirmed. Each of these symbols are marked and the cases on which one must rely to overcome are sent in brief form to the client, the exact form that appears in your file and in mine, and it is fantastic to know how many clients know that "d" stands for defendant and "p" stands for plaintiff, and how many of them are bright and they know that "rev" stands for reversed and "aff" stands for affirmed.

For those of you who work on the plaintiff's docket, you know how difficult it is to take a client, particularly an unschooled client, and teach him to tell the truth before the giving of a deposition. In fact, it is my judgment that a plaintiff's lawyer does nothing more difficult than this four hour operation of evidence in trying to teach the man to tell the truth, so it sounds the truth, it reads the truth, it cross examines the truth. Every deposition that is taken in your office should have a copy made for the client, sent to him and given to him so that he may be constantly reminded of the effort which you have expended on his case. There are several card letters which I consider quite good. He takes the deposition home and he reads it and reads it and reads it and he places it on the cocktail table in his living room, and he reads it to his friends, to his children, to his neighbors, to his mother-in-law and frequently to others who are also in pain. And on occasion a man may stumble into my office, having read my name, and I do nothing when it affects me, to discourage this process whatsoever. But what happens? The client is constantly aware of the effort which you have placed into his case.

And then there is the people to people effort, which is the greatest difficulty perhaps of all. If a man comes in a poor state like Texas, or like Mississippi, and you know that you are charging a very high hourly rate—you don't tell him what it is either—you are giving him your undivided attention, because you must project to him your great interest in what his problems are. He is interested in effort; he assumes you will get the best results you possibly can. Your problem is effort, not results. Results when effort is applied take care of themselves. Projection of effort and it certainly means as a cororllary that you will turn off your telephone and leave it off during a conference. Had you ever thought about how a client who comes into your office under domestic relations problem, and there have been many unsavory facts, and the client looks at you and has to tell you about certain aspects which are not clear, things that are not generally considered proper and yet you can be reached on the telephone by any Tom, Dick or Harry who can alphabetize sufficiently to find your name in the telephone directory or to find mine. Had you ever thought of the jar that takes place on this client who

has come pleading with you to exude effort in the representation of the matter? Our clients are effort oriented, effort oriented. Now I don't mean that a good Texan, the President of the United States, could not reach me by telephone, if he chose to call me but the fact is he never has. And it is still questionable in my mind about whether he would get through my number one secretary, Miss Erwin. I do not know. I do know that the good Governor Connelly cannot. The proposition is quite simple: the projection of effort by giving undivided attention by the turning off of the telephone. A lawyer in the State of New York suggested another way of person to person contact is to wait for your client to become somewhat inebriated at a dance and about ten-thirty call him on the telephone and have him paged and say, "John, I need to ask you something about your case." And he says, "Gee, how my lawyer does work, what effort he is expending." I consider this foolish, I do not recommend it, but it is in line with the great break-through of the Missouri Motivational Study.

It also means that one must recognize the very short memory of our clients and one would have to build on the basis of the break-through of the Missouri Motivational Study of effort, for services rendered requires a client to have enormous power of recall, which few have. But a detailed bill which tells him everything that you did, and the date on which you did it, refreshes his mind so that he wonders as he reads your scientifically drafted bill how you could have possibly rendered such a modest bill for such great services. Projection of effort to the client. You will notice I recommend billing so that the bill looks like effort. I think that it is wise to use what I call "New Testament paper", which is small. And I believe that it takes many pages to set out effort on your bill. I think it is wise, following the inclusion of the fee amount to place something underneath it, so that the client has to have considerable talent and experience to be able to locate how much the fee is. I think it should say, "I appreciate your confidence in your practice". After an adoption bill you might say, "I know that you are going to enjoy having John in your home", but constantly projecting effort so that the bill looks like effort and not just fee. If one says, I send you a bill for services rendered in winning your lawsuit, you have not understood the implications of the Missouri Motivational Study. It is the projection of effort.

Now the second unfortunate thing that takes place in the Missouri Motivational Study is infinitely harder to master than the projection of effort, because it requires a discipline which cannot be handled merely by telling your secretary to send copies of everything we receive or do, and please cut off the telephone to everyone but President Johnson.

Here are the facts about when our clients want us to talk about money. 92% of our clients, and these are the people who use us, who pay us, do not want their lawyers—and those people are people like you and like me—to wait until the services are completed to discuss fees, but nearly 1/5 of them do this. 80% of the laymen who use us prefer their lawyers to discuss fees in the first interview, but nearly 36%, more than one-third, of those who practice law fail to do this. 88% of the laymen users do not want their lawyers to wait until they ask about the fee. 78% of our clients want a full explanation of the fee in the beginning and only 40% of us have the nerve and the courage to give it. This determination to always mention fee before the client mentions it, and always to handle it as soon in the interview as one can safely do it, which means the first time that you have a feel for the case. It means that one has to develop the habit, and it's simply a habit, of speaking about money at the end of the first interview every time a client comes into the office. And I can't imagine, in all honesty, why this has been so difficult for me, but I confess to you that it's the most difficult discipline in this area for me to acquire and hold.

I am privileged to be the third generation in the practice of law in the City of Greenville. In fact, if you come to my office I will let you sit in client's chairs that have been used continuously since 1891, and I grew up the son of a very talented trial lawyer in my area, and I began working in the office when I was ten years old. And I remember many times hearing my father, who had no difficulty with fees whatsoever, saying to a man who had come in to hire him in a criminal matter, and he would say, "Now, John, the fee is going to be $750.00." And he would say, "Well, Lawyer Morgan, that will be fine." Then my father would say, "Now, John, I want you to understand something which I recognize as a great weakness, but I feel as your lawyer I should explain to you. I feel so honored that you want me to represent you. We have many fine lawyers in this state and many in this area, but you hired a lawyer who has a great weakness, and he would say, "Well, Lawyer Morgan, what is it?" And my Dad would say, in all sincerity, "I find that I can either worry about my fee or your case." "And if you want me to worry about your case, I find that I must insist that you pay my fee." And yet his son could not learn without the Missouri Motivational Study. The first day that I made up my mind to humble myself like that Russian dog, Pavlo's dog, that could be taught to have saliva come into the mouth, with a dog's intelligence, merely by the ringing of a bell, once I began to understand that concept, it seemed quite clear to me that surely I had some talent and some ability, and surely I could master this if a dog can do this other trick. And the first

gentleman that came that morning, the first wealthy gentleman, who would be wealthy by I believe even Mississippi standards, whom I have been privileged to represent for many years, and who has never questioned a fee. It was a simple corporate matter, the organization of a simple Texas corporation with two classes of stock, for which the minimum fee is $350.00 in my county, and at the time this occurred it was $250.00 in my county. And after we discussed this, I looked and I literally shook, and I said, "Mr. Naughton, I guess you would like to know about what this is going to cost." And he said, "Harris, I certainly would", and I told him and he said, "Well, that will be very satisfactory." And then I began to realize that one of the reasons we have people with such wealth is the interest that they take in money. Why should I fail to discuss money with a comptroller who makes his living out of handling it, or a millionaire who gets his whole joy out of life out of accumulating it? These are the easiest people in the world to discuss money with, and can you think of a better time to find if they do not want to pay the fee than the first interview? These are not my ideas; these are the ideas of the Missouri Motivational Study that was written by people who hire you and who hire me.

I remember the first afternoon a lady came, whom I will call Aunt Addie, with whom I had grown up. I had served two days before as a pallbearer in her husband's funeral. They had no children and they allowed me as a child to skate on their driveway, and you know what a delectable thing this is as a child. I thought, I can't discuss money with her, and then I remembered that Russian dog, and near the end of the interview when we had taken the will that my grandfather had written and I had ascertained that all of the people, like my grandfather, the witnesses were dead, what we needed to do, I said, "Aunt Addie, I know you would like to know about what this is going to cost, and I know what it will be and what we are going to do, and she says, "Oh, Harris, I certainly would. You know I don't have much money any more, and I don't know what changes I am going to have to make." And then I began to realize that the only person who was kidding anyone about this matter of fee and fee obligation is people like you and me, who are afraid to discuss money with our clients near the end of the first interview. Our clients want it, 80% of our clients plead for it in the Missouri Motivational Study, and after a week it becomes fairly easy. After a couple of weeks there is no problem, and after three months you feel like there is something incomplete about your discussion with a client unless you have established a "ball park" fee and given some idea of what it is going to cost.

Now the Missouri Motivational Study was subject to considerable

criticism, and it was subject to criticism by some who said that it is unfortunate that this would seem so mercenary, this discussion of money, this projection of effort, this placing the cost on the table. I did not like this but this was written by people who liked their lawyer and who didn't like their lawyer, and in my opinion it is the most important single card which one could ever see in this given field. Here are the people who said, "I like my lawyer, I am satisfied with him, I would hire him again." And then the simple question was asked, "Why? Why?" "I like his friendliness, or I like the way he came out to the waiting room and he knew my name and he said, 'Mr. Jones, I am so happy you have come. Won't you please come in.'" "I like a prompt business-like way. I like the way he sent his bill at the time he told me he would." "I like the way he kept his appointments." "I liked the way he turned off his telephone. He gave me his undivided attention. He recognized my time was important too. I like his simple courtesy, how he rose when I left and how he came to meet me when I came. I liked the way he always addressed me. I liked the way he simply understood that I was an important person in this contest also, and he wasn't condescending. Why, he explained to me everything. He even sent me the trial briefs that were being prepared in his office for the handling of my matter. Why even in the title opinion, I got the first rough draft which showed the difficulties in the boundary lines, and he kept me informed all of the time, I knew exactly what was going on. I went to pay him, I thought his fee was very inexpensive. Finally, it is not there, it's only in our computer—garbage in, garbage out. He was very, very expensive—not there—garbage in, garbage out. "He lost my case." "He won my case." It's not there. No, the client didn't talk about these things. Only lawyers talked about these things. This group of people, "I wouldn't hire that lawyer again if he were the last lawyer in Missouri. He was miserable." "Why wouldn't you hire him?" "He lost my case"—not here. Garbage in, garbage out. "He won my case." It's not here. "He was inexpensive?" It's not here. "Why wouldn't you hire him?" "I wouldn't hire him because he was so impersonal. Why, he didn't even know my name. I would come in, his secretary was very busy typing, and I would find him rushing by and he would look at me and he would say, 'Well, what can I do for you', and I would ask him, 'Have you heard anything', and he would look at me like who are you and what am I supposed to have heard. I wouldn't hire him again if he were the last lawyer in the world. He was so bored and indifferent. He was always so busy. His desk was piled up with other people's files and papers, and he couldn't care less what was going on about my case. My case was so trivial, and he was so rude and brusque. Why he would cut me off, and he would answer the telephone

and spend all of his time with whoever was calling him. I couldn't abide him. He had a superior attitude. He assumed that I was absolutely a "stupe" merely because I wasn't a lawyer. He couldn't even explain to me what clear privilege was, he assumed that I couldn't understand and he certainly failed to keep me informed. I never knew what was going on. I wouldn't hire him again if he were the last lawyer in the State of Missouri." And you will notice that nowhere do we discuss whether he won or lost the case, and nowhere do we discuss whether his hourly rate is $35.00 or $75.00, because the only persons except several few insurance carriers, which Keeton-O'Connell may yet humble, worry about this whatsoever. This is simply a matter of garbage in, garbage out.

Now if one is going to set fees, there has to be some basis, and if you recall, how many of us are right? 80%?

Everybody knows, of course, that in the setting of a romance fee that a country lawyer can charge $200.00 for what his City lawyer must charge $350.00 for because of the great difference in overhead. Everybody knows that. The Jackson lawyer must charge a different fee from lawyers in the rest of the state. Now, gentlemen, there is nothing at all wrong with this except it is a damnable lie. It is a canard, which along with our worship of results has continued to starve us. I am sure if you practice in the country area, and I consider myself a country lawyer also, when the IBM people come to sell you a new typewriter, they of course do say, "Mr. Jones, you are of course a country lawyer, so instead of charging you $390.00 for this typewriter, I am going to charge you $275.00." And I do know that when you send your children to college they do make a special tuition arrangement because you are a country lawyer instead of a City lawyer. Bunk! Now, it is true, gentlemen, that a City lawyer pays more per square inch for his office space than a country lawyer. It is also true that a City lawyer pays somewhat more per month for legal secretarial help, but it does not mean that he pays any more per square month for words correctly spelled and typed than a country lawyer. When a country lawyer's secretary becomes pregnant, there is disaster because there is no way to replace her except to begin at the beginning, out of high school, in many areas. A country lawyer must spend as much as four times of his overhead on books as a City lawyer often has access to other major libraries pretty close. The country lawyer spends a great deal more if handling continued legal education than the City lawyer who merely goes an hour, usually once a week at a luncheon usually on Friday. The country lawyer must take two and three days away from his practice to stay abreast with the development of the law. And of course you know there is a great differ-

ential in all of these various things like stationery, which the country lawyer of course gets a cheaper rate from your great house in Jackson. Bunk!

Texas was the first state to make a major sashay into this field, and we discovered that in country communities of 5,000 or less, 31 to 35% of the lawyer's income goes to overhead. In cities of 5,000 to 10,000, 31 to 35%, 10,000 to 25,000, 31 to 35%, 100,000 to 200,000, 31 to 35%, 200,000 to 500,000, 31 to 35%, 500,000 and over, 31 to 35%. And it means quite simply that the overhead situation across the State of Texas, and it is true in the State of Mississippi and every other state that has been tested as yet, the overhead factor is essentially the same. It is not true that a country lawyer can charge one set of fees and a City lawyer another.

Now everyone knows of course if you use a minimum fee schedule you are going to make more money than if you don't. That also is frequently bunk.

This is the one that we don't know how to explain. In 25 to 50 thousand it's a slightly higher percentage overhead, which means that some so-called country lawyers have a much higher overhead figure than the City lawyer. And we don't know why. We think it has something to do with the fact that in Texas, we have numbers of Government agencies which has raised the cost of certain matters of personnel. We are not sure. We think that's a possible factor. We do not know the answer.

You will notice that in the West Texas area, which we refer to as the State of El Paso—we know in the State of El Paso we know those who always look at fee schedules and get some guidance, make $18,000 and those who never do make $15,000. This is a very excellent minimum fee schedule. It was drafted by the great genius Leo Jaffe primarily, and it was enuniciated and fought for by Cullen Smith, my good friend and fellow lecturer here today, all over the State of Texas, but the only place where it won wide acceptance was in the State of El Paso, which we call the West Texas area, and look at the very fine results.

Now in the rest of the State of Texas where they use and we use what we call a "whiskey" schedule—and must I explain how a "whiskey" schedule is put together. He who never looks at it does more than a third better than one who always looks at it. So it means that in pricing and romancing fees that if one is to use the minimum fee schedule for the purpose of setting a fee, always, always it means that one must know the pedigree of that schedule, and if it was put together by a group of lawyers who shared their ignorance and a bottle of Bourbon whiskey

and that is its expectations, your expectations will be very poor. If you have a State Bar schedule carefully put together, it may be quite good.

You will notice there is no significant difference in overhead between a single practitioner and firms even of ten or more. The same basic overhead factors exist, and no firm has sufficient efficiency to say we charge one set of fees and other people can charge others. This was a great breakthrough in Florida.

Now we all know that one needs to be a time keeper. This is the most significant thing that one can do, and it makes a great deal of sense under the Missouri Motivational Study way. What does the Missouri Motivational Study say? Effort, effort, effort. And actually effort can be largely reduced to the matter of time. Now every one would agree, I believe, that there are only 260 days in a year in which one may actually earn something in the law profession. No one has really dabbled with the top figure of 365 days, and we found very few lawyers who work Christmas day and New Year's day any longer, and you will notice that you get 78 days. I will gamble with the fact you can earn 5 hours a day by careful handling. This may be possible for many; it is, I think, with some firms. The single practitioner practices enough, don't you let anybody tell you that you can set your fees on the basis of 1300 hours a year until you have proven it. You see most of the statistics in time keeping are based upon liars and guessers. Only about a third of our people in any state appear to be time keepers, and this discipline of keeping time all of the time is very difficult. Therefore, only a third have statistics which really are worth listening to. 52% are sometimes time keepers. Those are the people who have attended an institute. You will notice in Texas and other states the time keeper is the one who makes the most money.

Now one has to decide what his overhead factor is. I think a lawyer practicing 15 years out in a state with a median income 10 years ago of about $9,000.00, which means you have a median income now of probably $13,000, perhaps as high as Texas, $13,500, and I would hope to heaven it would be $16,000 or $17,000 as it should be, like those backward lawyers in Tennessee, $16,500. Would you believe it? The median, just the little lawyer. Certainly a lawyer 15 years out should aim at making at least $30,000 a year net out of the practice of law, and yet we know that less than 25% of the practitioners in many states, less than 10, does this. You know your annual overhead. Just look at your income tax return, and it doesn't really explain it because your education actually costs $65,000. You practice law for 40 years and only get 6%, which means that you have got to save $3.52 an hour before you break even at the end of the 40 years. Tragic. Your overhead will be about $15,000. The

total growth income would then have to be what; at least $45,000. If you get in about 1,000 to 1,200 hours each year, it means that you are going to have to shoot at an actual charge per hour of about $50.00. You are going to have to project effort and you are going to have to project it with great skill, sending him copies of everything so he will be exhausted when the case is over, realizing how hard you worked. If you have 1,300 hours, you can charge about $35.00 an hour, but in a state like the State of Texas and Mississippi, this is largely an insurance company figure, not based in great detail of research across the board.

Now I have one last chart, and it's the one I hope will not give you the trouble it has given me, because once you have decided that you are 80% wrong, and you decide that you are going to project effort by sending out papers and by giving your undivided attention, and by billing scientifically on small paper or at least in a manner that will project effort visually to the client, you are going to talk about money at the end of the first interview and not be ashamed of the fact that you are not weathy. You are going to put it on the table, going to give your undivided attention, going to try to understand what your client wants or doesn't want, you still have these starvation ideas which come cropping up because they are in your computer. Now I charge according to results obtained. I want to share with you a local disaster in my life, which I hope you will be able to remember. It is a true story. I was employed to represent a physician in my home town, who did not practice there but nearby. He was being represented by a firm connected in close friendship with a CPA that represented him. I have never had as bad results in a divorce action in my life. In fact, after we finished the divorce action, if I had sent a bill based upon the blood stained results, I believe the doctor would have been entitled to a judgment of thirty-four or thirty-five hundred dollars. And I was sorely tempted to forget this starvation idea altogether, and then I began to develop a nova cord into a backbone which I hope you will see fit to join with me in developing. I began to think. You know, Harris, you didn't get caught sleeping with his nurse. But he did! Why should you, the father of three lovely children, the husband of an enormously expensive wife subsidize another man's adultery, and the answer comes back strong and clear. It makes no sense whatsoever.

I charge according to ability to pay. That's wonderful if you can find out who can pay. This matter simply will not stand the proper fee, and with this I will give you an Apocryphal story, if I may, which I hope will help to imprint it on your mind. It simply means this: I have a convertible that I come to work in that was worth about a thousand dollars. I have to go by the Cavanaugh Methodist Church in my com-

munity, where there is a peculiar telephone and light pole which is out in almost the center of the street, which has not been removed because of the political pressure of Methodists in our community. And I am stopped and a car comes behind without any adequate brakes or desire to apply that which there is, and I am hit and my car is squashed against the pole, and I go down to Mr. Joe Bryant's, who runs an outstanding repair shop, who at one time considered being a lawyer but disabused his mind of this early, and he gave me the estimate on fixing the car, and it was $1,380.00. And I said, "Joe, I can't pay you $1,380.00 to fix my convertible. Why, it wasn't worth but $1,000.00 when I started to work this morning." And of course having fiddled with the law a little, he was tempted. He said, "Well, of course, I want the results, the value received by you—if it's a thousand dollars, of course that's all I would really charge you", but he had gone to business school, not law school. And then he looked me in the eye, and he said, "You know what I would do with that?" And I said, "No, Joe, what would you do with it?" He said, "I would junk it."

Many items that deal not with civil liberties or civil rights, or problems that deal with human personalities come in our office, we cannot charge a proper fee, they need to be junked. Does a man have a real right to try a hundred dollar lawsuit? The answer, of course, is a resounding no-no-no. He has no right whatsoever. And I don't charge the proper fee hoping to get business later; this completely overlooks the mobility of the American people. Everybody in America moves 8 times. Everybody. That means some people move 16 times. Everybody moves every 8 years, every 8 years. And how do you know that you are going to be able to be alive when the person whose will you wrote dies. And you know that this is a pernicious, damaging starvation idea.

I submit to you that a single practitioner or a small firm that is willing to develop the technique of keeping time, and will accept on the basis of which he is going to do work that which his costs are and what he has to do to make whatever he has to make for his family, and if he gets especially fine results he tacks something on extra. He takes a lot of responsibility, he adds something extra, but that at the bottom of the charges he has that which is his time, what he has to recover in order to feed his wife and his children and family. And I submit to you that if you project effort, the problem in collecting fees does not lie with your client in Mississippi or my client in Texas, it lies with you and your heart and with me and my heart. I don't have the courage to charge and this you don't either. This would make no difference if it were not for the fact that the economic position of the lawyer, despite St. Satterfield, is sinking. And as the great inflationary avalanche comes at 6%

a year, the lawyer's economic position is growing worse and worse in many states. Certainly it is true in the State of Texas, and I suspect it is true in the State of Mississippi. It means that this whole system is based on whether or not you and I remain free to be regulators of society. Now you can keep cutting down on what you spend and you can even have the great intelligence to marry a rich wife, or the great luck to have been born in a rich family, but this isn't the issue. We owe it to the American people to keep this particular profession sound and solvent, and the only way in the world it can be done is for us to charge the fees that we have to charge in order for us to be able to maintain ourselves as professional people. And with the careful keeping of records and the kind of proficiency which you are going to hear discussed right now, there is no reason, no reason at all why this cannot be reversed. If you want to make 40% more money than you made last year, all you have to do is keep time records every single minute this year and work out your particular formula. That's all it takes. And I guarantee that you will pay an income tax on your gross income for this year, next year, a 40% increase. It's tragic. You may not need it. My motivation is personal necessity. Perhaps yours is not. But I plead with you that for this system, to keep it free, so that whole groups of us do not have to work for the Federal Government, in order to feed our families, in the legal profession, that we be prosperous.

In short, in my judgment it's a public policy, a public policy of this country that you and I remain solvent. And I know of no other way that this can be accomplished than to charge what it costs us to do legal services for those who can pay, and those who can pay are by and large all of the clients that you and I have. Our problem is not with the public, and it's not with the OEO, and it's not with Escobedo, and it's not with Miranda, and it's not with Gideon; the problem lies in your heart and in mine, in the fact that we lack the courage to charge for the work, and I plead that for the good of this profession and the American people that you will join me in taking courage and charging what is a reasonable fee for the services rendered based on what it costs and the projection of effort.

President Overstreet introduced Mr. Cullen Smith, Chairman of the Economics of Law Practice Committee of the American Bar Association, who made the following address:

MAINTAINING A SOUND LEGAL PROFESSION

Cullen Smith

Thank you, Webb. I can't imagine a harder job that could be

given a lawyer than to follow the President-Elect of the American Bar Association and Harris Morgan. The only thing I can think of that would be worse would be to follow them in a lawsuit and to try to close behind them. I am not really sure why I have this job as Chairman of the Economics Committee and I am afraid that after I get through with this speech Mr. Gossett will be more unsure than I. My partners say that they wish I would do more about making a living and do a little less talking about it.

I want to tell you this because I think it is easily misunderstood and overlooked at times. You heard a report from the President-Elect of the American Bar Association about some of the activities of the American Bar. It's very easy down in Waco, Texas, or McGregor, and possibly here in Mississippi to feel that we are a long distance from the American Bar, and we wonder why those big city lawyers don't do anything for us or help us. I want to tell you that from several years of activity in the American Bar that it does a great deal for the average lawyer in the United States, whether the lawyer is a member of the American Bar or not. We have many dedicated lawyers giving up their time year after year to help us in the field of legislation, in the field of public relations and in the field of economics, and I urge that you support the American Bar Association. We have a growing economics department in the American Bar. We have pamphlets for sale, books for sale, we will help put on institutes. I would say that fifty letters a day go out of that department answering individual questions from lawyers over the United States. If you would like help, if you would like to be on the mailing list, if you would like to get the Legal Economic Newsletter, just write the American Bar Association and tell them. If you want a list of these pamphlets and books that I can almost guarantee will help you, just write the American Bar and they will help you.

You have heard some figures this afternoon about the legal profession and I want to review a few of them with you because they get down to you right here in Mississippi. According to the American Bar Foundation 1967 Lawyers statistical report, in 1966 there were 290,000 lawyers in the United States. Of that number 73% are engaged in the private practice. In 1948 there were 89% engaged in the private practice; in other words, a drop of 16% in the last eighteen years. Of those that are engaged in the private practice, 53% of the lawyers in this country practiced by themselves as solo practitioners, and of course the remaining 47% are in partnerships. There is a definite trend in this country away from the sole practitioner to partnerships. In 1948 those engaged in solo practice were 68%, or a 15% change. Put another way, in

1948 61% that were in the private practice practiced by themselves. We have had a drop of 22% in the last few years.

And how about Mississippi? In 1966, according to this study, there were 2,262 lawyers in Mississippi. Over a third of you practiced law in Jackson. 74% of you are in private practice, which is substantially the same as the national figures. 50% of you practiced as sole practitioners, which on a national average is a good trend. I give you these figures because you need to know where the profession is going and it is going definitely away from the sole practice. I looked through all the figures I could find on Mississippi. As you know, there has not been a survey made for some time. It is difficult to find figures on your practice. It is difficult to know where you are going without those figures. From what I could tell in trying to reach a conclusion about the reason for your income, it does not appear to relate to your distribution, the size of your firms. I am, frankly, not sure what the reason is. I did come across this interesting fact, that from 1963 to 1966 your state income increased 1.6%, while the number of lawyers increased 8.2%. There are only nine states in the United States that had a higher difference in percentage of lawyers increasing faster than population.

Now why was I concerned about the Mississippi lawyer and his income? Why was I looking at these charts? Well, the Internal Revenue Service publishes reports of income of lawyers. The last such report relates to 1963. The average income of the sole practitioner in the United States was $8,763.00. Now most economists will tell you that the income is actually higher than the middle income of the middle lawyer. Now it's a disgrace, I think, to the legal profession that over the United States the average sole practitioner only makes $8,763.00. But that is not the real story here in Mississippi. According to this same report, 865 lawyers in Mississippi filed income tax returns indicating that they practiced by themselves. That figure correlates very well with all the other known information of Mississippi lawyers, and those lawyers had an average income of $5,489.00. That income is the lowest state reported income in the United States of the information released by the Internal Revenue Service. There were some states where the returns were so small that they did not give the information. The Internal Revenue Service gave reports from 34 states and the sole practitioner in Mississippi made the lowest income of any of the lawyers in the United States.

Now, frankly, and there is no question about this, and it is a serious matter—either the Mississippi lawyer is not doing a competent job in representing his client and is being paid what he is worth, or the Mississippi lawyer does not know the value of his service and is grossly underpaid. There are no other facts that can explain it. You heard

today, if you went to the Mississippi Law School luncheon, and you know personally, that you participate in the leadership that the lawyers of Mississippi give to this state. This is a great Bar and something is seriously, drastically, tragically wrong with the income that you receive.

Now you can say, "well, it's in the South". Lawyers in the South have to make less money. Well, I don't know all the states that border you, but I know Alabama is close. The average sole practitioner in the same year in Alabama made $9,116.00. Your figure is $5,489.00. This is not some little survey that the Mississippi Lawyers took or a survey like the Texas lawyers took. These are the records taken in the same year and the same questions and reported under oath to the federal government. Well, Alabama is an exception. How about Arkansas? The Arkansas sole practitioner made $9,331.00, and you made, if you are that average sole practitioner, $5,489.00. Well, how about Louisiana? The Louisiana lawyer made $9,845.00. That is over $4,000.00 a year per lawyer more than was reported in Mississippi.

Now I don't know what the answer is but I know it is a problem that has to find an answer because no one can render competent, truly professional service and have that kind of income. I suspect that most of you have a substantially higher income because you are here and because you are interested, and of course that is a problem, but that doesn't solve the problem. Harris Morgan can't solve it and Bill Gossett can't solve it and I can't solve it, but you can. You really can. It's not hard to do if you as individuals and local bar presidents and state bar presidents and leaders will determine that it will be solved.

It is important to the American public that the legal profession not become second rate—very important—and it is second rate when we have that kind of income. It's important because a lawyer with that kind of income cannot attend legal institutes. He cannot be expected to be ethical; he cannot be expected to be independent, which a lawyer must be if he is going to represent the public and the people properly.

Maintaining a sound legal profession is not selfish. It's the greatest thing that we can do if we really believe that the legal profession renders true service to individuals. And, as I say, it can be solved. It can be solved by you as an individual, if nobody else will help you, just by yourself. It can be solved by your firm, and it can be solved by your state and local bars. What are some of the things that you can do as an individual? First, as Harris has said, you can always keep time and service records. I think that a good case can be made for the fact that it is unprofessional not to keep a record of the time that you spend on a client's file and for the service that you render him. We are not talking just about time. I don't say just keep a record of your time because,

after all, time is your cost in the file. It is just as important and, at the same time, that by keeping time you are keeping a record of the service that you have rendered for the client. How can you keep that time? Well, there are many ways, many simple, easy ways that, as Harris says, will substantially increase your income as much as 40%. And the great thing about time and service records is that at the same time you increase your income you increase the respect that your clients have for you. It is a double benefit.

You can keep time on an individual sheet, and if we have an opportunity later Harris will demonstrate to you the way he does it. If a client comes in he writes down on a single sheet the service that he renders and that is filed, item by item, all through the day. Or you can keep a record in your file. Many lawyers do this. I recommend that you stop because many times you do not have the file with you and you will not record what you have done. If I go in to ask my partner how I should handle this, what he thinks about that, if I have to record my time on my file he'll never record his time, and I never ask him a question unless I think it's important and I expect him to record time and I record that time.

For the larger firms generally it is thought that some type of ledger system is the best. I have some copies of the system that I use, that we use in our office. It's very simple. The lowest paid girl in our office keeps these records. We call them "service records" rather than time sheets, and through the day every lawyer that renders service writes down the name of the client on this sheet on his desk, the name of the client, the case or the matter, the service that was performed and how long it takes. It's very simple. You call me and say "Cullen, I want to talk to you. It seems that we can't settle the case the bank has filed against John Doe." I write down "Bank vs. John Doe," your name and a symbol for the telephone conversation, while I'm talking. Jerry Schneider says that you should always have a two-handed telephone conversation. You hold the telephone in one hand and you are writing it down on your time sheet in the other. It's very easy to keep the time. Every day see that the girl picks these up from the lawyer and posts them to an individual client for service rendered, which will show the date, the service rendered, the lawyer that rendered plus, on the righthand side, the amount of time that it took. I have some of these with me and if you would like to see them later you are welcome to them. If you do look at it you will notice that the time column is separated from the rest. This is done so that I can Xerox this sheet without the time being shown and use that if I want to as the basis of my fee. In other words, in some files I just prepare a statement that says "Services rendered as outlined on office records

attached hereto", and we just Xerox these. Another way we use these is to have a secretary take this sheet and type a summary from it day by day. Some people like to prepare a statement in a summary form of what they have done. We recommend when you do that you show down at the bottom "the above services were rendered on the following days," and then you just summarize it. You say June 10 or 11, 12, 13, 14—it's very impressive to the client.

The first time I sent out an itemized bill—I heard John Satterfield talk about it—I didn't think there was anything to it. The client knew what I had done and why should I bother with that? I had a real estate transaction that got fouled up, it took a long time, and I just had to charge $500.00. Well, I knew if I charged $500.00 my client would about pass out because he had never paid a real estate fee like that. I decided I would try this system and I outlined date by date what I had done. It took about five pages and when I got it back I raised the fee. I made a fee of $750.00 and I got a check the next day thanking me for what a great job I had done. I know that it was the result of the way in which I submitted that bill.

What are some general rules on billing? One is to discuss the fee early. Why? Because as Harris said, if you are going to have an argument over the fee you want to have it early. The client has almost no idea about the value of your services. Now you don't think that, but you go to a furniture store and look at the chairs. Just look into one. Try it tomorrow morning and look at a chair and see how close you can come to what the price tag says. You go over to it and it says $75.00 and you say, "gee, this is an expensive chair". It's not until you see the price tag that you know what it's worth. I went to a horse auction one day. I know a little bit about horses, but not much. I realized I couldn't come close to evaluating the value of a horse ,and your client can't come close to evaluating the value of your services. If you will tell the client what the fee will be in a positive manner the client will accept it. The client has come to you because the client wants your service, and not because you are going to be a cheaper lawyer.

You can't always tell about the ability to pay. I hate to tell this story, but this far from home I will. A lady came into our office and talked to one of my partners about a divorce. We don't handle many divorce clients. There is no money in it, you know. He talked with her a little bit and she went somewhere else. Later I was asked to testify as to the reasonable value of the services rendered by the lawyer that she eventually hired. My testimony was that the value of his services was between seventy-five and a hundred thousand dollars and the Court

awarded $75,000.00 attorneys fees. Now that'll teach you a lesson or two.

Bill your client early; bill your client promptly; offer an installment payment plan; tell the client that I believe the fee may run $500.00 and I know you can't pay that now but can you pay $25.00 a month. I'll tell you the happiest client you'll ever have is if you will arrange an installment payment and at the end can say "You have paid us $575.00 and the reasonable value of our service is $500.00 and here is a check back for $75.00." And to that very same client, if at the end of the file you had said "Now you owe us $400.00", the client would have passed out right on the floor. It is a matter not with the client but with the manner in which you treat the client. Always outline your services, always educate your client, bill as soon as the work has been done and make the first bill adequate. Don't ever—don't ever start out on low fees by thinking that that is the way to keep a client. People think they get what they pay for.

We had a client ask us to review a will. We saw that it was drawn by one of the leading lawyers in Texas on estates. It was a tremendous will. We asked this lady later "why do you want us to look it over"? She said the fee was so small I thought the will must have something wrong with it.

We had a client come to us and say "You recommended a law firm in Lubbock. Will you please do some investigating and see if that law firm is really competent?" We asked the man, "why are you worried about it?" He said "because that man charges so much less than you do for the same service, we think there must be something wrong with them."

There is something wrong with the way in which we have thought about fees. Now we have got to be more efficient—we must be more efficient—if we are going to be a true profession. You see, we are caught in a squeeze. The value of the dollar is going down; the cost of operating your office is going up. In 1954 the average full time employee in a law office was paid $3,090.00. That's in 1954—$3,090.00. On a national average today that same employee is paid $5,126.00, or an increase of over $2,000.00 in about ten years, and it's still going up. And that is particularly significant here because the national average on a full time legal employee is only $350.00 a year less than the average income reported by the sole practitioner in this state. You know, we have got truck drivers that are making $14,000.00 a year in the United States. In other words, the average lawyer in the United States to stay even between 1954 and 1965 had to gross $4,473.00 more in that period of time, and during that time he should have become more competent and of course, hopefully, should have made much more than

that. But it's like they say in Alice In Wonderland, "You need to run faster just to keep in the same place."

What can you do within your office that will make you more efficient? Well, we have said that you can keep time records and service records, and that's probably the most single important thing, whether you have a plaintiff's practice or whether you have a defense practice or a real estate practice. You know Kress and Woolworth's made millions of dollars keeping records of ten cent sales. The value of your service is too important for you not to keep a record of its cost. And just saying, that's a good idea—I guess these big city lawyers can do it—is not the answer. It has got to be done in every town and by every lawyer who expects to be professional.

You can consider changing from sole practice to partnership practice. Every survey ever made in the United States shows that law partnerships, for some reason, make substantially more money than lawyers that practice by themselves. The Internal Revenue Service shows the difference on an average is over two and a half times just merely by joining a partnership. When you form a partnership you can divide up your responsibilities and move toward specialization even in a two-man office. You can say, all right, I'll handle wills when I can and you'll handle real estate transactions when you can, so that I can draw the wills quicker and faster and better than the two of us together can.

You can increase the use of lay personnel because this is a definite trend in the United States. Some of you will think it's wrong; some of you will think it's the unauthorized practice of law, which it is not; some of you won't believe it, but you look back ten or twenty years from now and you will see that the progressive, efficient lawyer will have substantially increased the use of lay personnel. He will have realized that a doctor sees a patient for only about five minutes, but the patient is in his office for thirty minutes. The nurse takes the blood pressure; the nurse gives the shot; the nurse is given the responsibility for saying "would you please fill out this information sheet?" The nurse is given the responsibility for saying, "will you please take your shirt and tie off so the doctor can examine you?" We don't do any of that in the average law office, but we are going to have to, because by doing that we will be able to increase our income at the very same time that we decrease our time spent with the clients. We have to re-think what is the practice of law. We have been trying this in our firm for the last year and it will work and you can do a better job and you can have happier clients and make more money by the use of lay specialists in your office, in the field of real estate transactions, tax and estate work, commercial claims, subrogation, trial preparation. These ladies can be trained to do a better

job than you will do and a better job than a young lawyer can do under your very strict and close supervision. Of course they don't try cases; of course they don't reach legal conclusions, but they will free you to practice law, and in doing that substantially increase your income.

You can develop the use of forms in your office where you have a large amount of repetitive work. Some of these forms are filed in court and some are not. Some are shown clients and some are not. Yesterday I asked one of our secretaries to go through our office to see how many forms we use. Today I have with me 84 sheets of mimeographed forms that are used in the handling of files in our office.

You know many things we do are repetitive. We do it again and again and again. Often we pick up the dictaphone or call in our secretary and start dictating orally and about half the time we forget an important paragraph. Forms will solve that problem. You can use them again in commercial claims, in the removal of cases to the federal court, in real estate transactions, in trial matters and pleadings and motions, in depositions and estate planning, and in the handling of estates.

We have worked out an excellent questionnaire that we give to a person who wants to probate a will. It includes all of the questions that are asked in Texas under the Texas Inheritance Tax Return and the federal estate tax return. It helps us since we don't forget important matters. The client, on the other hand, by spending the time to fill it out realizes that this is important and complicated and has many details to it.

One step past forms is the automatic typewriter, such as the MTST. We have been using such a typewriter for the last year. We have now 32 repetitive forms that are put on that typewriter including standard will clauses, settlement papers, workmen compensation claims, releases, divorce petitions, judgments, affidavits, acknowledgements, corporate papers. It's a great piece of equipment if you have that kind of work because it is original work but it is repetitive work. It takes time to work out the form but you can use the form time and time again. Such equipment is also tremendous in a long document that has to be re-worked and re-worked. During the last week I think I re-drafted the same lease five times. I got so tired of seeing that lease. If I had had the foresight to put it on the MTST typewriter it would have taken me about a third as long in proofing it, because you see, when you give it to your secretary to change Paragraph 6, she's apt to make a mistake in retyping Paragraph 5, and you spend a lot of time in your office doing this sort of thing.

You can become professional to at least the degree that a college graduate in chemistry is. The college graduate in chemistry never runs the same test twice because he keeps a record of what he did. The State

Bar of Texas has developed a retrieval card that allows the lawyers in Texas to retrieve information from this card. It works on the system of gravity and it's very easy to use. We will be delighted to explain to anyone here how you can use it in your office or how the State Bar of Mississippi can develop it. The total equipment to put it in effect costs less than $200.00, and it is a tremendous asset in retrieving briefs, opinions and important files in your office so that you don't have to do the same thing over and over and over again. I remember I did some work on that last year but I can't find it.

The last bit of efficiency I want to mention is the use of a perpetual calendar. A perpetual calendar is to help you find appearance days, appointments, dates of settings, things that are far off, reports to the company, dates to bill, professional annual meeting dates, renewal of judgments, your wife's birthday, the termination of lease dates and option dates, times to review wills, your wedding anniversary date, and other important dates of this kind.

We used to keep a calendar that we would purchase from a local store, or often, some insurance agency would give us one where we could write down a thing we were supposed to do. Things would get tight around September and October because you are telling the secretary to do things in January and February and she would say, "But, Mr. Smith, we haven't gotten next year's calendar yet." Then I would say, "Well, just write it down there toward the back of the calendar and we'll try to pick it up at sometime." Well, that can be a costly setup if you have an active law practice. So we have worked out this perpetual calendar that works on this kind of file. Inside you have days of the month, of the months and years. For fifty-five cents you can buy packets of days in the months—for seventy cents or so you can buy all of the equipment from a company in Waco that I asked to put this together. I have no interest in the company and no profit is involved in it for me or the American Bar or the county bar. This man has put together the material that will allow you to have a professional calendar. It works very simply. If you have an important date to remember you keep a package of these in your office and you write down the date. It can be any date. Give it to a girl and it is filed. If it is within the current year it is filed behind that particular day. For example, I'll set this up for July so if I want to file it under July 1, I just put it under July 1; if I have it fifteen months off I only have it by months—January, February, April, I file back here, 1969. If I have something in 1981 I file it back here; if I have something past 1991 I file it behind that card and slowly, day by day or month by month or year by year these cards will work themselves forward. We have found that it has been rather well received in Texas, and if you are interested

I have this information here that you can order. I have copies of the reminder cards if you would like to just use these as a basis and work out your own card, or you can buy all this equipment for around $20.00. The man in Waco said that he will sell it to you from about $25.00 up to $36.00, depending on exactly what you want.

There are many things you can do. There are many things your organized Bar can do by having speakers bureaus go all over the state educating the lawyers. Many, many easy projects the Bars can undertake, but some kind of action is needed. It's needed in Texas; it's needed in Waco; it's needed in our firm, but it is also desperately needed in Mississippi. And it has nothing to do with the competence of the Bar. That is the discouraging and exciting thing about it. It's just a matter of you deciding you'll do something about it. It's not enough to complain and go home and do nothing. It's not enough to say "we sure appreciate your coming; that's a fine speech". You have got to make up your mind to take some kind of action. Of course no matter how you do it, there are going to be some problems. You will forget to discuss the fee in advance; you will overlook the file. We have a lawyer in Waco—a great lawyer, he's now deceased, his name is George, and he used to tell this story on himself. He had a client that everything seemed to have gone wrong for and he had to spend a lot of time on the file and he had forgotten to discuss the fee in advance. Finally the file was concluded and he was trying to decide what the fee would be and he decided if he charged $400.00 the client would pay it and be happy but he wouldn't be adequately paid. If he charged $600.00 he would be adequately paid but the client wouldn't like it and he couldn't decide what he ought to do. The telephone rang and the client was on the other side and he said, "Well, George, I want to come to see you." George knew that he was going to come up and want to talk about the fee and he had to decide what the fee was going to be. He tried to think while he was waiting on the client and the client came in. George still couldn't decide what he was going to charge so he began discussing what he had done. You see, he was a good enough lawyer to know that effort was important in deciding the amount of the fee. He reviewed when the file came in and how they had tried it and it had been reversed and what a hard time they had had and this, that and the other and he kept talking and talking, trying to make up his mind what the fee would be and while he was talking the client reached in his pocket and pulled out a roll of $100.00 bills and he put the first one down and the second one down—George just kept talking—he put the third one down and George kept on talking, he put the fourth one down and the fifth one down and the sixth one down and about the seventh one George stopped, and the client went "eight, nine, ten" and

he got up to fourteen of these $100.00 bills and he paused and George said "Make it one more and we'll call it even."

Discussion by panel of Byrd Mauldin, Sherwood Wise and Dixon Pyles.

THIRD GENERAL ASSEMBLY

June 29, 1968

Committee reports were presented. Action taken on them is found in Appendix A.

The following were elected to office:

Mr. Hugh N. Clayton of New Albany was elected by acclamation as delegate of the Mississippi State Bar to the American Bar Association.

Mr. Chester H. Curtis of Clarksdale was elected by acclamation as President of the Mississippi State Bar.

Mr. Everette G. Truly of Natchez and Mr. Boyce Holleman of Gulfport were each nominated for the office of First Vice-President and President-Elect of the Mississippi State Bar. Mr. Holleman was elected.

Mr. Robert G. Barnett was elected by acclamation as Second Vice-President of the Mississippi State Bar.

The following Commissioners were elected:

District 1—N. S. Sweatt, Sr., Corinth
District 2—H. C. Thompson, Jr., Gulfport
District 3—Thomas R. Ethridge, Oxford
District 4—John F. Frasier, Greenwood
District 5—David E. Crawley, Jr., Kosciusko
District 6—Frank W. Walden, Natchez
District 7—Jack Travis, Jackson
District 8—W. H. Johnson, Jr., Decatur
District 9—J. Stanford Terry, Vicksburg
District 10—Thomas R. Jones, Meridian
District 11—Ellis Griffith, Cleveland
District 12—Judge Jim Simrall, Jr., Hattiesburg
District 13—George Grubbs, Mendenhall
District 14—William A. Wiltshire, McComb
District 15—E. B. Williams, Jr., Poplarville
District 16—Leroy Kenneday, Macon
District 17—John W. Whitten, Sumner
District 18—W. O. Dillard, Laurel
District 19—William B. Jones, Pascagoula

The Sixty-Third Annual Convention of the Mississippi State Bar then adjourned *sine die*.

PROCEEDINGS OF THE THIRTY-SECOND ANNUAL MEETING
OF THE

Junior Bar Section

Held in Biolxi, Mississippi, June 27th, 1968

The General Assembly of the Junior Bar Section was called to order at 2:00 p.m. in the Buena Vista Hotel, Biloxi, Mississippi, by Mr. Robert G. Barnett, Jr., President of the Junior Bar Section.

The invocation was given by President Barnett.

President Barnett then delivered the following report.

PRESIDENT'S REPORT—MISSISSIPPI JUNIOR BAR

Robert G. Barnett

The Mississippi Junior Bar, composed of 750 Mississippi lawyers below the age of 37 years, is the strongest, best organized and financed, and the most effective Junior Bar of its size anywhere in the nation. This past year it reached the highest level in number and a variety of projects, increase in budget, and impact on the bar both locally and nationally, than in any other year in its 32-year history. The credit belongs to you and to the nearly 200 committee members and Chairmen of our Mississippi Junior Bar.

I salute each of you for a job well done. I would not be accurate, however, if I did not pay tribute to the Officers and Directors you elected this past year. They served you well, and deserve our gratitude. They are jointly and severally outstanding men who love our profession and are dedicated to our Mississippi Junior Bar. They were faithful stewards of the trust you placed in them. It was an honor for me to serve with them.

But we are all deeply in debt to the heritage of leadership and vision of the Junior Bar leaders of years past. It is for that reason that we have asked our past Chairmen and Presidents to join us today. We will pay them homage later in the program, individually, but I now extend to them our sincerest thanks for building the Mississippi Junior Bar into the fine organization it is today.

Our membership has grown to 750, about one-third of our total

State Bar. Our annual budget was raised to approximately $3300 this year.

The measure of our development and strength today is seen in the projects we successfully planned, promoted and completed. The most novel and successful was probably the *Southern Conference of Junior Bar Executives,* hosted by the Mississippi Junior Bar, and held in Jackson last November. In attendance were the heads of the State Junior Bars of ten Southern states, plus the Chairman of Young Lawyer Section of the ABA, the D. C. Junior Bar, and the Missouri Junior Bar. This was the first such conference ever held within the ABA Young Lawyer Section. After over a year of planning, and with the enthusiastic cooperation of both the ABA and the Southern State Junior Bars, the Conference met to compare organization and activities of each participating state, and to discuss the problems and successes of each bar, with a view to widening the outreach and service of each to its respective State and Junior Bar members. It was, by all standards, a great success. The Chairman of the Young Lawyer Section of ABA said he had never seen so much information about projects available to Junior Bars assembled in one place. The Mississippi Conference sparked the development of a similar conference for the West Coast and Great Plains States in Denver last month, and an East Coast Conference in New York next September. I here pay tribute to Hal Miller, Chairman of that Conference, and his Committee, that served so ably, organized and presided over that Conference, and made a resounding success of it.

Our sponsorship of continuing Legal Education Conferences and Seminars reached the highest level of our history—12 in all: *Young Lawyer Seminar,* (a bridge-the-gap seminar for new lawyers, offering practical advice from outstanding leaders of the bench and bar); we co-sponsored the following: *Prosecuting Attorney's Seminar,* (for all District attorneys and prosecuting attorneys recently elected throughout the state); *Citizens Conference on Mississippi State Courts,* (for 100 outstanding laymen throughout the state, briefing them on our courts and the need to up-date some areas); three *Federal Income Tax and Estate & Tariff Tax Seminars* in North, Central and South Mississippi; *Mississippi Traffic Court Conference* (for 200 municipal judges, city attorneys, police, driver-education students throughout the state, who heard national leaders stress need for improvements of Traffic Courts); three *Labor Law Seminars* in North, Central, and South Mississippi; and a *Pre-Law Student Seminar* for the Mississippi State University pre-law students; and a *Law and Clergy Seminar* on the Coast in co-sponsorship with the Gulfport Junior Bar.

Our three *Admission Ceremonies* for new admittees to the Mississippi Supreme Court were carried out with their usual efficiency.

Our *Law Day Ceremonies* were new and exciting. We bought and distributed eight TV tapes to TV stations over the state; bought and gave to local bars six Liberty Bell plaques for presentation to outstanding lay citizens; and had numerous high school programs, stressing the years' theme—"Only a Lawful Society Can Build a Better Society."

We saw a new local Junior Bar, the South Central Junior Bar Association (Forrest, Lamar and Perry Counties) being formed, and gave them the wealth of organization and activities information compiled for the Southern Junior Bar Executive Conference. We commend this our newest Junior Bar, and we urge their early qualifying as a member of the ABA Young Lawyers Section, at which time they will have automatic representation on the Mississippi Junior Bar Board of Directors. Those of you interested in forming a city-county or multi-county Junior Bar will find information on organizing a local Junior Bar from the Mississippi Junior Bar, and your Officers and Directors will welcome the opportunity to meet and help organize it.

Our work in Boy's State and Girl's State, Lawyers Placement service, and Defense of Indigents, in Legal Aid, Legislation, Ethics, Unauthorized Practice of Law and many other fields was carried on in a fine way, without fanfare and indeed without much thanks.

Our By-Laws have been studied and three amendments offered by the By-Laws Committee—Pat Scanlon and his committee have done a fine job and will present them to you in a few minutes.

I thank each Committee member and Chairman. You know, all we really will have when we reach life's end is what we have given away. The unselfish and thankless hours spent in maintaining and improving the high ideals of our noble profession will one day receive a far grander thanks than we here render to them, but I speak for all of the Mississippi Junior Bar when I most sincerely say thank you Committee members and Chairmen for a job well done.

I hope your efforts receive the award they deserve, by winning first place in the Young Lawyer's Section of the American Bar Association's *Award of Achievement Competition* for states below three million population and in the competition for individual project achievement, in which we are entering our *Southern Conference of Junior Bar Executives.* We'll know in August.

Raymond Brown, our incoming President, brings with him real leadership, knowledge of our needs and capabilities, and enthusiasm for our bar. I congratulate him! He has already managed to gain a $500.00 increase in our budget for next year. This is evidence of the expansion we can and I'm sure will do this coming year.

Mr. Pat Scanlon, President of the By-Laws Committee presented several amendments to the By-Laws, which were passed.

The following officers were then elected:

Raymond Brown, Pascagoula, President
Pat Scanlon, Jackson, President-elect
Winkie Glover, Meridian, Secretary
Directors:
Northern District
Frank Crosswaite
Jerry Eskridge
Frank Hunger
Central District
Alex Alston, Jr.
Bill Cox
Richard Edmondson
Southern District
Tom Stennis
Lynn Blackwell
Ben Stone

Mr. Thad Cochran of Jackson then introduced Mr. Hugh N. Clayton, who delivered the following address.

HOW THE MISSISSIPPI JUNIOR BAR CAME INTO BEING

Hugh N. Clayton

The Junior Bar Section of the Mississippi State Bar was organized on September 4, 1936, during the thirty-first Annual Meeting of the State Bar at Greenville, Mississippi. It was born in some travail. There was considerable opposition to the organization from past Presidents of the Mississippi State Bar and from some of the outstanding attorneys in the State. Most of the opposition was due to a lack of understanding as to the purpose and prospective functioning of Junior Bar Section. Technically, it was set up, as it is today, as a Committee of the Mississippi State Bar.

It will be necessary to use the personal pronoun somewhat and I apologize therefor. The idea of forming a Junior Bar Section in Mississippi was not mine, it came from the late beloved Dean of the University of Mississippi Law School, Judge T. C. Kimbrough. He called me to his office, explained how the Junior Bar movement was growing, how it would provide a vehicle for the younger lawyers to express themselves and to allow them to promote programs they believed would be beneficial

to the public, the Bench and the Bar. Having assumed the responsibility of getting a group together to promote the idea, I asked about eight or ten younger lawyers to meet at the 1936 convention of the Mississippi State Bar, where we agreed to proceed with the idea. I have asked several of those who were present at that time to help compile a list of these eight to ten young lawyers but our list is not complete. It is dangerous to call names but, aware of such problem, there were present L. O. Smith, Jr., of Jackson, W. Calvin Wells, Jr., of Jackson, John C. Satterfield of Jackson, Jesse H. Graham of Meridian, and others. We agreed as to the substance of the Resolution to be adopted by the State Bar which would create the Junior Bar Section. I borrowed a typewriter from the hotel and typed the Resolution in the lobby.

We knew we would need strong support and were successful in enlisting Major Calvin W. Wells, a former President of the Mississippi State Bar, to present the formal Resolution. When Major Wells presented the Resolution, he made a vigorous statement supporting it. Immediately, there was opposition from five or six very prominent attorneys. It was necessary that we defend our Resolution on the floor of the Convention and the responsibility therefor fell, primarily, on John Satterfield and on me.

A former President of the State Bar observed:

> I don't want to be in the attitude of objecting to this resolution but I want to sound a note of warning. I am apprehensive that if we set up this junior bar section, we are going to divide the Mississippi Bar Association—we are going to have two bar associations. The only difference between me and the rest of you is, I think we ought to take this association and turn it over to these boys and let them run it just exactly as it was done this morning. If we set up this junior section and they function, I am going to be there and not sitting around here with the old fossils. I say let's turn the association over to the boys and let them run it!

Another former President of the State Bar observed:

> Mr. President, this proposition is fraught with peril, in my judgment. We need the young members of this Bar to vote on every question that comes before this Bar. Am I correct, Mr. President, when I say that if this proposition goes through, they will not be present at the meetings and will not be here to participate in these sessions to vote on the problems as they are presented?

Following the above observations, a dialogue developed of explanation as to how the Junior Bar Section would function and that it would not tend to separate the younger lawyers from the meetings of the State Bar.

Another question in the mind of an older lawyer was expressed in this language:

> Here is the only point I make: If the young members of the Bar come to these meetings, vote their individual convictions, as they have in the past, I am for it. If there is an attempt made to segregate the young man so that they will not participate in these meetings, what is going to be the result? The majority of those who do attend would take one school of thought and follow one star. I want to keep in this organization the younger men, but if you have your separate organization, factions may develop, and that is the question that is bothering me. When proposals of legislation come up, I want you young men to be here to vote on them, as well as the others. That is my position.

Another question asked was:

> Will the Junior Bar Section act as a caucus and its action be binding?

All of these questions and the reservations in the minds of these older attorneys, apparently were satisfactorily answered because when the motion was put to adopt the Resolution, it was adopted by a voice vote. However, the President of the Mississippi State Bar, the Honorable Frank E. Everett, Sr., of Indianola, Mississippi, had to declare that the "Ayes have it and it is so ordered."

There followed the election of officers. The election was restricted to all lawyers present under 36. The late Jesse H. Graham, later Circuit Judge, was elected Vice-Chairman and I was elected Chairman.

Another development occurred at Greenville. When the time came to elect officers of the State Bar for the following year, the late Judge G. Garland Lyell, a past President of the State Bar, nominated me to the position as Second Vice-President, representing the Junior Bar Section. The vote was unanimous. The next year, in 1937, at Meridian, an understanding was had with the State Bar that the office of Second Vice-President would always be filled by a representative from the Junior Bar Section. As far as I am able to determine, that practice has never failed to be observed.

We were permitted to place a statement in the October, 1936, issue of the *Mississippi Law Journal,* announcing to the entire Bar what we hoped to accomplish in the Junior Bar. The statement was prospective in tone but was defensive in nature. A good portion of the statement explained what we were not going to do and how we would not attempt to "take over" the Mississippi State Bar as an organized group.

It has been my privilege to attend almost every session of the Mississippi Junior Bar since its organization except during World War II. The Junior Bar has been fortunate in having able leadership since its

initial organization. It became firmly established as an integral and necessary part of the State Bar within a year or two after its organization. It has supplied much of the initiative and force which has assisted in making the Mississippi State Bar the effective instrument of service which it is today.

During the decade of the thirties, the proceedings of the Annual Meeting of the State Bar were printed as they were recorded by a Court Reporter and transcribed. Consequently, every word spoken on the floor of the Convention in connection with the offering of the Resolution by Major Wells and the comments of the persons present is recorded in the October 1936, issue of the *Mississippi Law Journal,* Volume IX, Number 1. The statement of the first Chairman to the entire Bar is contained on pages 2 and 3 of that issue of the *Journal.* Since the Junior Bar will be entering its thirty-third year upon the adjournment of this Convention, I would recommend that you possibly consider a committee to compile data relative to the history and growth of this organization. The men you will honor shortly are now available for interviews and evaluations. It would be very interesting to trace the history of recommendations of the Junior Bar, made over the past three decades, to see what happened to them, to see how they influenced the State Bar and how many were enacted into legislation. The time to gather this data is now.

May I particularly commend your present leadership upon the thoughtfulness of the ceremony which you are about to observe. No organization can be more gracious than when it pauses and says "Thank you."

Mr. Raymond Brown of Pascagoula then introduced Mr. Richard E. Wiley, Chairman-elect of the Young Lawyers Section of the American Bar Association, who delivered the following address.

YOUR ROLE IN THE AMERICAN BAR ASSOCIATION— THE RESPONSE OF THE RESPONSIBLE

Richard E. Wiley

Presidents Barnett and Brown, Officials and Members of the Mississippi Junior Bar and of the State Bar Association, Distinguished Guests, Ladies and Gentlemen . . .

I want to express my profound appreciation for this opportunity to leave the teeming metropolitan area to the North, in which I live and work, to come down here to the beautiful Gulf area, with my wife and children, and have the great privilege to meet with you and, on this occasion, to address you. After just a day here on the Gulf coast, with its lovely setting and all of the fine Southern hospitality shown us, I sup-

pose I feel a bit like the seven year old boy who, in his whole life, had never spoken a single word. Naturally, his parents were distraught about the situation, but had come to accept the fact that their little boy was a deaf-mute. When, in the middle of a non-descript breakfast on a non-descript morning, the little boy suddenly said:

"My oatmeal is lumpy!"

After the shock and amazement had worn off, there was great joy and exultation on the part of the little boy's parents and siblings as they clustered around him. His mother was curious and she asked,

"Johnny, we didn't know that you could talk, why did you pick this occasion to speak your first words?"

The little boy replied,

"Well, Mom, up to now, everything has been just fine."

And so can I assure you that up to now everything *has* been just fine for us. We are looking forward to the remainder of our stay here in Biloxi.

Turning now to my reason for being with you today, you will note that the announced topic of my address is "Your Role in the American Bar Association." In reviewing some of the speeches which my predecessors have delivered to this august body in past years, I note that an organizational message, designed to elucidate the many varied and worthwhile activities in which our modern-oriented Association is involved and the services which the ABA and, specifically, its Young Lawyers Section can provide to state and local bar associations, would be an appropriate subject for me to discuss with you—and, indeed, an important one.

I hope, then, that you will pardon me if I lay aside such an informative topic and, so to speak, "throw away the script." Instead, I would like to take this occasion to talk to you, as it were, straight from the heart concerning a subject on which I feel very deeply, and one which I view as entirely germane to "Your Role in the ABA" and, for that matter, in the legal profession itself.

It is my considered belief, and I say this with all the sincerity which I can muster, that the citizens of this Country are witnesses today to a great tragedy—one which encompasses a dramatic challenge to responsible segments of American life. It is more than just an idle phrase, one which we so often hear and thus perhaps become insensitive to, that recent years have brought with them an alarming breakdown in respect for, and preservation of, the rule of law in our society.

Disorder, crime, violence and even outright anarchy have become—for too many of our fellow citizens—a way of life. And of greater pertinence to us as lawyers, and perhaps even worse, a substantial segment

of the Nation's populace, and particularly its youth, have concluded that our system of law and justice, as it is now constituted, is neither sound, equitable or even viable in light of today's changing conditions. As a result, these citizens aspire to radically alter our legal framework, not by democratic means nor by civilized procedures, but by violence, rebellion and the attempted forceful adoption of other, and alien, systems.

These are the people who, in the common idiom, have "opted" out of our society as we know it. These are the people who seek answers to the Nation's ills, not in our courts and legislatures, but in the streets. These are the people who seek change, not by a larger vote but by a larger, and more militant, crowd. These are the people who flaunt our laws on the basis of some "higher law" which they cloak with a nebulous morality and their own personal notions of propriety and justice. And these are the people whose challenge must be met by the responsible segments of American citizenry.

But sobering as is the spectacle of these people—the irresponsible—even more tragic has been the *response* of our leaders and our "attitude shapers" in various walks of life: public officials; school administrators and teachers; pastors, priests and rabbis; and, indeed, lawyers—the architects and purveyors of the very system of laws under which this Country exists and which the dissident elements to which I have alluded would seek to destroy. The response of the responsible to the irresponsible, as I see it, has run the gamut from utter silence to indecision, vacillation, misguided aquiescence, pacification and, sometimes, even capitulation.

One need look only to virtual surrender of some of our cities to unruly mobs, to the spectacle of Berkeley, Columbia and my own alma mater, Northwestern, to the comments and conduct of men like Father Groppi, Reverend Coffin and of well-meaning and well-principled, but to my mind terribly misguided, churchmen throughout the country to perceive what is taking place. Moral leadership is one thing, but the preaching and teaching of collective guilt and the advocacy of, and the participation in, acts of civil disobedience is, in my judgment, quite another.

Is it any wonder that so many of our youth have such little respect for any established law and order when those to whom they look and listen, and who mold their emerging attitudes and personalities, are themselves such poor examples of law-abiding and responsible members of society? Something of fundamental significance is missing from the environment of too many of our youth—a true sense of values, a respect for legitimate authority, a sense of personal responsibility and the importance of self-discipline.

Bishop Hazen G. Werner of New York, speaking before a World Family Life Convention of the Methodist Church, has recognized this tragedy:

> Everywhere across the world the family of man is being reshaped and reoriented to the aims of a secularistic culture. Rebellion and nihilism—life without principle, goals, morals—a life to be lived for nothing—is everywhere, particularly among youth. In our interest to create uninhibited persons, we are getting rid of decency and adopting a secularistic way of life in which God is being left out.

And, inevitably, such a change in the basic morality of our youth must have its adverse effect on the character and quality of American life.

What I have been saying should not be construed as overlooking the undeniable fact that there are just grievances and legitimate problems to which we have been very slow in responding. As one who lives in a periphery of prosperity surrounding the inner core of poverty and frustration which typifies our Northern big city ghetto, I definitely feel that we have to begin to deal effectively with the great problem of urbanization with its manifold ramifications. We must ferret out and attempt to solve the root causes of the crime and disorder which infester our cities. We must attack the terrible symmetry of poverty, disillusionment, lack of desire and more poverty—through job-training, employment, housing and other measures designed to provide opportunity and motivation for the ghetto dweller. And, indeed, we must face up to the question of equal opportunity and equal rights for all men, whatever their race, creed or color.

And these objectives, these resolves, must not be empty words without real meaning and intent—or our society, as we know and revere it, will be unable to sustain itself.

But no matter the strength of our purpose, the sincerity of our desire, the degree of our financial investment nor the depth of our personal commitment, the problems which I have enumerated will *not* be solved this year, next year or anytime soon. And the politicians and well-intentioned citizens who contend to the contrary—and who purport to abolish poverty and inequity overnight and to remake our society without pause—do, I think, a great disservice both to their own good cause and to the country at large.

For the answer to America's problems, my friends, is, as a modern poet-reformer has put it, "blowin' in the wind"—and that answer, as frustratingly simply and agonizing slow as it may be is . . . *education;* education to provide skills, to provide opportunity and to provide motivation.

The injustices must be remedied, the prejudices must be abated, the discriminations must be alleviated, the wrong must be righted—I don't think anyone in this room would disagree—but without education, all of the equal rights and opportunities which constructive legislation can provide will fail to make all men equal, either politically, socially or economically. And all of the pervasive promises and strident demands to the contrary, so prevalent today, will not make it so. Indeed, they will serve only to exacerbate the frustrations and disillusionments which our Nation's poor and underprivileged inevitably feel.

The massive attempts, both in the public and private sector, to solve our society's problems must be continued and intensified. But in the meantime—in the long meantime—what?

This question—what about the immediate future of this country—is one which the "responsible", as I have defined them, of necessity must commence serious consideration. For what is at stake is not mere order but the basic lesson which the history of mankind teaches. Freedom, justice and the other intangible values for which the everpresent mobocracy so vociferously demands in today's America have never in history been derived from emotional and fanatical behavior.

Extreme passion, once unleashed, may bring irrationality, but never reason. Violent disorder, once set in motion, may result in chaos, but never order. And rebellion, once instituted, may spawn tyranny, but never freedom. For no mob has ever protected any liberty, not even its own.

And when a high level of violent dissent and violent conduct is tolerated, condoned and even encouraged by what should be responsible voices, the wick becomes short, the ignition easy and the inflamation immediate. General lawlessness on the part of many can lead, as we have so often and so tragically witnessed in recent years, to specific peaks of intense violence on the part of the truly irresponsible and irrational. And such violence is no respecter of race, economic status or political persuasion.

The violence which this country has tolerated in the past few years could have been tolerated only in a country where freedom of thought and action is revered and protected. And in such freedom lies the unique greatness of America but, paradoxically, also the seeds of its potential downfall. If these seeds are nurtured without cessation, if dissent and disorder develop beyond all reasonable perimeters, then the mature progeny which results may destroy the well-spring of its own birth.

Dr. John Gardner, former Secretary of Health, Education and Welfare and now Director of the Urban Coalition, a dramatic new attempt to

fuse the resources of our Nation's public and private sectors and bring them to bear on the immense problem of urbanization, put it this way:

> "No society can live in constant tumult. We will have either a civil order in which discipline is internalized in the breast of each free and responsible citizen, or sooner or later we will have repressive measures designed to reestablish order. The anarchist plays into the hands of the authoritarian."

Unhappily, Mr. Gardner's words have a prophetic quality, for it seems abundantly clear that we are rapidly approaching the point of no return along the road to a police state, something which none of us want. But the answer lies not in continual castigation, condemnation, and restriction of the peace-keepers. "Police Brutality", perhaps on occasion a justified complaint, has become the shibboleth of the lawless, designed to discredit and disarm the policeman—their arch-enemy, and the man with the most difficult and least appreciated job in America. And "law and order" itself has become, in some minds, a regressive, even racist, message.

That this could occur seems almost beyond rational explanation—but I will hazard an attempt. What has happened, I feel, is that the responsible members of our society have failed to get across the message which has traditionally been theirs. This message was eloquently characterized recently in these words:

> "Order is order and crime is crime, whether they be in a white or black society. There is simply no way in which millions of people can live together except through the rule of law. If the law is bad or is unfairly administered, there must be change, but not anarchy."
>
> The speaker? . . . Roy Wilkins.

And so it is order which must come first. And out of order, then needed and constructive change—which will provide effective remedies and workable solutions to the inequities and problems which exist within our society, and within our legal system.

At this point, I would have to add a personal note that I hope that any such changes which ensue will be both constructive and consistent with traditional principles of our American way of life. In this changing world, it is my conviction that we must hold fast to some of the concepts upon which our society was built and which contributed to its development as the greatest nation in the history of the world. I refer to such things as basic morality, observance of law and order, patriotism, respect for one's parents and indeed one's own self and, by no means last, the power of prayer. And if this means that I stand for God, Mother and Country—well, gentlemen, make the most of it.

The response of the responsible in this changing world must proceed day after day after day—in every walk of life throughout the length and breadth of this great land. And it must be direct, definitive and demonstrative. It must call to account those who would promote hatred and discord, those who would commit or condone lawless and destructive acts and those who would seek to divide us and rent asunder what we as citizens so greatly revere. No longer can the conscience of the responsible majority afford to suffer in silence the transgressions of the irresponsible few. The time is now for the hour is late.

As members of the American Bar Association, and of similar state organs like your own Mississippi Bar, we must begin today to bring to bear on this problem the tremendous influence, prestige, energy and ability which lawyers possess. And in the process, we must redefine and re-inculcate in our fellow citizens the proper balance between dissent and disobedience, between liberty and license and between responsible and unrestrained right. For it is such distinctions, rather than unbridled freedoms, which connote the essence of a truly free society. Your role in the American Bar Association? Clearly, it must be: the response of the responsible.

Mr. Bill Cox of Jackson, introduced Mr. Chesterfield Smith, Chairman of the American Bar Association's Committee on Legal Specialization, who delivered the following address.

LEGAL SPECIALIZATION—PROS AND CONS

Chesterfield H. Smith

Recognition and regulation of specialization in the practice of law is not a new subject for the legal profession, nor for the American Bar Association. Active consideration thereof began at least as early as 1952, with the appointment of a Special Committee on Continuing Specialized Legal Education. The report of that committee came to be known as the "Tweed Amendment", which may be properly credited as the original American Bar Association document on the subject.

In the following year, a new committee was appointed to make specific recommendations; the House of Delegates as a result thereof adopted the following resolution:

RESOLVED:

1. That the American Bar Association approves in principle the necessity to regulate voluntary specialization in the various fields of the practice of the law for the protection of the public and the bar; and

2. That the American Bar Association approves the principle that in order to entitle a lawyer to recognition as a specialist in a particular field, he should meet certain standards of experience and education; and
3. That the implementation, organization, and financing of a plan of recognition to carry out such principles is delegated to the Board of Governors, subject to final approval by the House of Delegates.

Efforts were made in the House of Delegates in 1954 and again in 1962 to implement that resolution without success. In spite of that apparent unwillingness of the American Bar Association either to control specialization or to accept regulation thereof, the fact of legal specialization continues to persist and expand.

In August, 1967, the Committee on Availability of Legal Services reported to the House of Delegates its firm conclusion that the recognition of specialization in the practice of law would measurably improve the availability of legal services to those who stand in need of such services. That report was approved by the House of Delegates in Honolulu, and the Board of Governors thereafter established a special seven-man Committee on Specialization, directing it to assemble and study information relevant to all aspects of voluntary specialization, and if the committee should determine that the promulgation of a plan of voluntary specialization is desirable, to prepare a plan in various fields of the practice of law for the consideration of the Board of Governors and the House of Delegates.

The organizational meeting of the Special Committee on Specialization was held in January, 1968, and subsequent meetings were held in March, April, May and June. All Sections and all committees of the American Bar Association, all other bar interest groups which have come to our knowledge, whether or not they are affiliated with the American Bar Association, all state bar associations, and all large local bar associations, were invited by our committee to present their views on the subject of whether it is desirable that a plan of formal recognition of voluntary specialization by the legal profession be promulgated, and if such a plan should be recommended, what form it should take. A public hearing was held by the committee in Chicago on Saturday, April 6, at which time the committee received many position and letter statements from sections, committees, lawyers in their individual capacity, state bar associations and other lawyer interest groups setting forth their views on this complex and difficult subject. Many of those statements and letters were reflective, studious, and thought-provoking. Undoubtedly, the views advanced at that public hearing will be of inestimable help to us in reaching our final conclusions.

After the public hearing, the committee mailed a letter to some 1700 leaders of the Sections of the American Bar Association requesting their advice and council on the subject of voluntary specialization. The response thereto has been amazing. An extremely large number of meaningful replies have been received as a result of this mailing, and those replies are now being carefully studied by our committee.

To wade through the mass of literature and other material we have assembled on the subject of specialization is obviously a monumental and time consuming task which will take several more months of committee work. Our committee does hope sometime in the fall to disseminate to all those who have expressed substantial interest in our assignment our tentative conclusions. After considering comments thereon from wherever received, a consensus of the committee will hopefully be presented to the House of Delegates for action at the 1969 Mid-year Meeting.

As you can see, our committee obviously has only really recently embarked upon its assigned task, and none of the members of our committee have yet reached a final position on the subject. As Chairman of the committee, I sincerely believe that all committee members still have an open mind on the subject, amenable to argument, persuasion, and further study. I am even more firmly persuaded that the tentative views heerafter expressed by me are not now endorsed or accepted by the committee as a whole, or any one or more of its other members, and may never be. In fact, I am absolutely positive that many of them will not ultimately be accepted by the committee.

While any reasonably prudent lawyer would therefore promptly acknowledge that taking an individual position at this time is premature, and then simply discuss the pros and cons of the subject, or outline the problems that must be solved without discussing possible solutions, I, being neither reasonable or prudent shall throw caution to the winds, forget that I am Chairman of a committee composed of zealous and fiercely independent men who may never concur with me, and bravely set forth as an individual practitioner from a moderate size community in central Florida to give you the benefit of the tentative conclusions which I personally have reached at this point in time of our overall effort.

While most lawyers still at least pay lip service to the obsolete myth that a lawyer can be a jack of all legal trades, I submit that in fact no modern lawyer can validly purport to act with competence throughout the entire spectrum of legal problems, and that most lawyers now clearly recognize that fact.

At least some degree of specialization is obviously an existing necessity of modern law practice, and it properly should be. Our ever-expanding society makes the problem solving needs of lawyers' clients

increasingly complex, and will of course inevitably lead to an even higher degree of specialization. The failure of the organized bar to regulate and control specialization will not terminate the existing de facto legal specialization. Legal specialization, pro or con, is here. For that reason, I submit that the organized bar ultimately has little choice other than an intelligent regulation of specialization.

It is true that we could, as many lawyers advocate, simply allow the present trend to continue to its ultimate destiny. This I have personally rejected, as I do not believe that lawyers can look the other way when a serious structural deficiency exists in the legal profession.

Alternatively, we can discourage the spread of specialization. Again, it is my personal judgment that the existing trend cannot be reversed, and if tried the result may be disastrous. The public will inevitably turn elsewhere for expertness.

I submit that the only reasonable choice which the organized bar has is to wholeheartedly encourage the existing trend to legal specialization by so channelling it as to preserve our traditional ethical concepts.

Certainly the historical belief that any good lawyer, given sufficient time, can handle any type of legal problem should be reanalyzed, at least from the standpoint of our clients. Even if it be a true assumption, which I doubt, I suggest it now to be both unethical and improper for a lawyer to put his client to the expense of paying him for the time essential for the proper discharge of the entrusted responsibility, when there are lawyers already proficient in handling such matters who could perform the same service at less cost. Yet I personally suspect that many lawyers routinely accept professional employment in areas in which they are not individually competent.

Under our present system, lawyers who do in fact specialize are of course only self-proclaimed specialists. While it is true that our existing system of de facto legal specialization is only implicitly sanctoned by the organized bar, we must also admit that the organized bar as an entity does nothing to insure the integrity of that self-proclamation.

A lawyer who styles himself a specialist in one field of law may or may not have an expertise and competence therein. If a lawyer is to specialize and be an expert in one field, it is hardly arguable that the organized bar should require a minimum competence from him. It seems to me that the problem of certification is an integral part of the issue of whether or not to regulate legal specialization. A bar represented expertness, or even a bar countenanced self-certification of expertness, that does not in fact exist, would be far worse in its effect upon the public image of the bar than any of the present detriments to that image attributable to the non-regulation of specialization.

A certification procedure for those lawyers who do specialize must therefore be promptly devised; self recognition of special proficiency which is not verified and factually just is not an acceptable substitute. The difficulty with self-certification, apart from the case of the lawyer of little integrity and no actual expertise who will claim expertise for self aggrandizement, is with the lawyer who honestly believes that he is qualified for specialized practice but who would be rated as a novice by those lawyers clearly entitled to accreditation as experts.

The public is entitled to much more than unregulated specialization based upon self-certification. If the public image of the organized bar is to be unblemished, lawyers as a group must exercise a high degree of responsibility to those far less informed members of the general public seeking a lawyer and who rely or may tend to rely upon what may be a false claim of special proficiency.

Lawyers who undertake legal services which they are individually incompetent to perform lend credence to the claim of lay groups that attempt by the bar to deter the unauthorized practice of law by specialized laymen is motivated solely by the economic self-interest of the complaining lawyers. The failure of the organized bar to make the availability of competent legal specialists widely known to the public can only increase the chance that a person needing legal services will turn to a well-publicized specialized layman rather than to a lawyer.

Another possible benefit from the recognition and regulation of specialists is the increased competence of lawyers as a group. Recognition of the limitation of one's practice to a specified branch of the law by experienced practitioners of demonstrated capacity seems to me to be clearly in the public interest, and if permitted, obviously, would increase the quality of the legal services performed by those limiting their activities.

Our committee acknowledges that any specific program will be opposed by at least a substantial number of lawyers, because many lawyers will fear that they will not be able to qualify in a particular field in which they are interested, especially if the certification procedure imposes high standards. Other general practitioners who do not specialize and who have no desire or interest in specializing will fear a loss of practice to those who do qualify as legal specialists and who are so certified. Also, many lawyers who presently specialize will fear that a formal program may result in their having to give up work which such lawyers are now doing in legal areas outside of their own specialty.

Certainly, those obstacles, fears and objections are not to be casually brushed aside. To advocate the case for regulated specialization is not to deny that there are major obstacles to its effective implementation,

and that significant changes must be made in the way that many lawyers have been doing things.

Preparation of a workable and acceptable plan for the recognition, certification and regulation of legal specialists will not be an easy task. Consideration of graduate study, experience and demonstrated capacity, and examinations by specialty boards must all be fully considered as appropriate qualifications for a specialization certificate. A recognition of specialization at the same time must not disregard the importance of a broad legal educaton. Specialization must be the result of both experience and particularized training and study.

It is somewhat ironic that the lawyers who seem to object most to recognition and regulation of specialization advance arguments concerning the supposed harmful effect upon the sole practitioner and the small partnerships in rural areas. The big firm lawyer already has the benefits of specialized practice. Large law firms in general are not adversely affected by the failure of the bar to recognize and regulate specialization, because a large law firm usually has little difficulty in making the availability of the specialized services of its individual lawyers collectively known to its prospective clients. Recognition and regulation of legal specialization will tend to equate the sole practitioner and small law firm with the large law firm in also making the availability of specialized services known to their prospective clients.

Realistically, one of the principal reasons for the success of large law firms is that they have had no difficulty in communicating to the public that they offer specialized services, and that the collective abilities of their lawyers enable them to be specialists in every field. The official recognition of specialists would enable the public to learn of specialization by certified sole practitioners, or by lawyers in the small firms. Certainly it would aid those lawyers in informing the public that specialized legal services can be made available by general practitioners as well as by large law firms. I frankly believe that it will enable the small practitioner more effectively to compete with the large law firms, and that it may well be the best means available to insure the ultimate survival of the independent sole practitioner.

Admittedly, many of the statements I have made are argumentative. Other assertions upon challenge are difficult or impossible to prove. Nevertheless, if our committee is to discharge its entrusted responsibilities, it must ultimately take positions based upon an application of sound judgment objectively applied to all the facts, to all of the surveys, to all of the legal articles, to all of the position papers, to all of the oral and written arguments which have been presented to it.

If that standard is to be reached, the thoughts and conclusions

finally achieved by our committee certainly will stand up better on final consideration if they have been thoroughly critiqued, carefully analyzed and strenuously debated. In an effort to provoke that critique, analysis and debate, the following tentative positions on matters which I personally believe should be included in our committee's final report are offered for your consideration:

FIRST, specialization in the practice of law actually does improve the quality of legal services available to the public; therefore, specialization by lawyers should be encouraged, even though specialization is not synonymous with expertness. However, the certified specialist must still be a lawyer and not a mere legal technician. A competent lawyer is not required to know the law without research; he must only have the ability to find and evaluate the law. Even a true expert, with substantial repetitive experience in a given area, will rarely, if ever, give a firm commitment as to the law on a particular point without research. His advantage arises from the shorter research time required.

SECOND, the transition from the present unregulated specialization to a system of officially recognized and regulated specialization would cause economic hardship to many present practitioners, particularly if certified specialists should ultimately be permitted to notify the general public of their certification.

The importance of the lawyer in general practice, historically and currently, to the public and to the legal profession, can hardly be overstated. Any plan for the regulation of specialization must preserve the usefulness and effectiveness of general practicing lawyers. The contribution of the general practitioner in the ongoing activities of the organized bar is and has been monumental.

General practice is one of the most difficult practice areas in the law. It requires being currently familiar with several subject areas of law—the areas varying in different geographic areas. Many continuing legal education programs are especially designed to help the general practicing lawyer to keep up to date in those law areas. It is readily apparent that any acceptable system for the regulation of specialists must not tend to eliminate county-seat lawyers, nor benefit, by reason of provisions inherent in the system, the middle and large sized law firms to the detriment of small firms and individually practicing lawyers.

Any plan of regulation must therefore be consistent with recognition of the importance of a broad legal education, and must minimize any adverse effect on the general practitioner.

THIRD, the practice of medicine and the practice of law are so different that the experience of the medical profession in developing plans of specialization are not of great benefit to lawyers. Except in a

few areas, de facto legal specialization has not been conducted in the narrow fields typical of medical specialization, but rather in broad areas which frequently cut across several fields of law. Our committee has already concluded that while the experiences of the medical profession do provide some useful analogy to the bar's problems in the area of specialization, the significant differences in the legal profession and the medical profession limit the use of the analogy.

FOURTH, because of the inexperience of the legal profession in dealing with specialization, a broad, flexible program of regulation is desirable initially so as to permit unforeseen problems which develop in practice to be solved practically and fairly. No matter how much care is now devoted to a specific plan for the certification and recognition of legal specialization, such programs cannot possibly provide against many practical problems which will develop. Pitfalls will inevitably occur, means of adjusting those deficiencies wil have to be worked out, and the program ultimately adopted will unquestionably have to be modified by experience. As time goes on, a body of experience will develop which will inevitably lead to better criteria for providing quality legal services in specialized areas.

It is only when those developments have occurred that consideration should be given to the subsidiary issues which presently occasion so much concern and dialogue among lawyers debating the *"HOW"* of legal specialization. It is not timely now finally to determine the extent to which the certified specialist should be required to limit his practice, and the extent to which uncertified lawyers should be permitted to practice in specialized areas.

FIFTH, the determination of continued proficiency is closely related to the question of initial certification. What is the law today in a specialized area may not be the law tomorrow. The lawyer who does not keep up cannot be called proficient. If representations of proficiency are to be made to the public with bar sanction, the certification system should also provide for an assurance of continued expertness.

SIXTH, the initial requirements for obtaining a certificate of competence in a particular field of law should not be excessively difficult. "Grandfather clauses" should be applied to those presently able to show appropriate experience in the branch to be certified as a legal specialty. As time goes on, however, certification of legal specialization would naturally become more difficult.

SEVENTH, the fields for certification of legal competence at the commencement of the program should be rather broad. For example, it might be appropriate to have the whole field of business law included as a specialty. When the particular program of legal specialization catches

hold and develops, the definition of the areas of legal specialization can be further defined.

EIGHTH, plans of recognition and regulation of legal specialization should be developed on a state-by-state basis. The nature of legal practice differs from state to state, and there are significant differences among the states in both substantive and procedural law.

The practice of law is now regulated almost exclusively within the various states. Both initial admission and professional discipline are handled at the state level. Regulation of specialization is intrinsically related to those other aspects of the regulation of the practice of law. The fact that the power to regulate the legal profession now exists only at the state level compels me to believe that state level regulation of legal specialization is the only way in which this desirable reform will be achieved. State participation certainly is a necessary and obvious ingredient of any acceptable plan.

At the same time, I do believe that fifty (50) different systems of specialization in the fifty (50) different states of the United States would create an undesirable situation, serving neither the public nor the profession. Obviously, a model code for the recognition and certification of specialists in the legal profession should be drafted at the national level for adoption at the state level. In this way, a substantial degree of uniformity among the systems so adopted could ultimately be achieved. Many states are now actively considering whether such states should promulgate their own plans for the certification and regulation of legal specialists without waiting for action by the American Bar Association. Among those states are Florida, Virginia, Oregon, Colorado, California, Missouri, Pennsylvania, New Jersey, and several others.

A system for the recognition and regulation of legal specialization by a state bar on a non-uniform basis would contain deficiencies that would not be present in a national system. Of course, if uniform standards for certification of specialists should be generally adopted in the various states, much of the demand for a national system of certification of specialists would be obviated. Certainly, the quality of the legal specialists certified should be as uniform on a nationwide basis as practical, just as it is desirable that the standards of initial admission of lawyers to practice throughout the states be uniform. But the necessity for a national standard of competence for legal specialists is no greater in degree than the necessity for a national standard for the original admission of lawyers to the practice.

In addition, effective liaison among the states and with the American Bar Association should quickly provide a very broad range of experience; hence, a quicker solution of the problems which will inevit-

ably arise can be obtained. If regulation is at the state level, the regulatory body certainly will be much more flexible and responsive in reacting to emerging problems than if the regulatory body is placed at the national level.

NINTH, legal specialization would be enhanced if the existing Canons of Ethics were amended to provide:

(a) A lawyer should not knowingly assume legal representation beyond his then existing competence, or that he cannot then perform without unreasonable risk or expense to his client;

(b) A certified specialist should encourage the referred client to return to the referring lawyer for the handling of his future legal needs, and he should take no action to retain the referred client himself. However, the client must remain free to select his own lawyers in the future, including the referred lawyer;

(c) Legal specialists certified by a state may give appropriate and dignified notice to other lawyers and to the public that they are certified legal specialists, designating the particular branch of law in which they are so certified.

TENTH, and finally, and as a means for the implementation of the previous nine positions, it seems imperative to me that the American Bar Association create a standing committee on specialization with the following responsibilities:

(a) To draft, in the nature of a model code, for adoption by the House of Delegates a "Statement of Standards and Practices for Regulating and Certifying Legal Specialists" for use by the various states in the adoption of their own specific plans, and to thereafter continuously recommend improvements therein.

(b) To collect data, make surveys, and generally act as a clearing house for information and experience obtained from the states in certifying and regulating specialists.

(c) To conduct studies, make specific recommendations and generally assist state bar organizations in developing their respective specialization programs.

(d) To make recommendations for changes in the Canons of Ethics of the American Bar Association needed to accommodate the specific plans of voluntary specialization adopted by the various states.

(e) To study and further consider the feasibility of a national plan for the certification and regulation of specialists, so that if at any future time the adoption of a national plan becomes practical, the best such plan which can be devised will be available for consideration.

In conclusion, I submit that the organized bar just can no longer ignore or fail to correct the deficiencies in the structure of the legal pro-

fession which presently restrict the availability of legal specialists to the average citizen who needs specialized legal services.

In advocating the case for regulated specialization, I readily concede that there are numerous problems, some real but some obviously only imagined or feared. In resolving those problems, the organized bar must keep always in mind that the issue is not whether we will have specialization. Specialization is already upon us, and it will inevitably increase. The sole and only issue before the organized bar is whether the legal profession will have regulated specialization. I submit that the Mississippi State Bar and other state bar associations should promptly take the position that the best interest of the public and the legal profession will be served by no longer permitting the unregulated development of legal specialization.

The time to act is here—and now.

Mr. B. B. McLendon of Jackson introduced Mr. Edward W. Kuhn, Past President of the American Bar Association, who delivered the following address.

PRESENT CRISIS IN AUTOMOBILE LIGITATION (KEETON—O'CONNELL PLAN)

Edward W. Kuhn

Mr. President, Chairman, ladies and gentlemen of the Mississippi State Bar, both Senior and Junior, and my delightful friends. I am very happy to be here in the State of Mississippi today to make amends because of the fact that conflicting engagements, when I occupied the position to which the distinguished speaker alluded, I was unable to appear. So when the Junior Bar asked me to come down here today, I was very happy to be able to come.

I am happy also to be here and to pay tribute to a great Mississippi lawyer, the only one to occupy the position of President of the American Bar Association, John Satterfield, who has done so much for the organized bar, and with whom I was pleased to work with on the Board of Governors for several years. Our paths crossed and re-crossed and we had a lot in common, and worked a lot together.

I met your President at the Tennessee Bar in the last week or two, Mr. Overstreet and his wife, and I wish to report to you that he behaved himself very well.

Well, this subject that I talk to you of today is really of particular significance and importance to the Junior members of the Bar. The older fellows have made it over the hill—if they haven't, why it's too bad—but the future belongs to the young lawyers, and the subject I am going to talk to you about particularly affects them.

This title got a little mixed up here. When I was originally approached to appear on the program, I was told that I was to debate Professor O'Connell, one of the authors of the famous Keeton-O'Connell plan on liability without fault and reparations without proving negligence. Then I understand that apparently Professor O'Connell got wind of it, and he took a powder. They asked me if I wouldn't still come down and speak on it, and I said, "Why, certainly, I would be happy to, and I would conduct the debate. First, I would talk out of one side of my mouth, O'Connell, and on the other side of my mouth, myself, and I was quite sure there was one debate I could win. I did debate this subject with Professor O'Connell at the University of Washington, and I debated with Professor Keeton of Harvard—I always have to say that 'Harvard'—in Washington, D.C. before the District Judiciary, and I have also been on a program on this subject with Professor O'Connell and Keeton at the University of Illinois at the National Claimants' meeting last year. I am currently Chairman of the Section of the American Bar Association and Chairman of the Special Committee of the Section of Insurance and Compensation Law of the American Bar Association and also a member of Special Committee of the ABA which is now considering this subject. So while I have had a lot of exposure, I don't know whether or not I am going to be able to tell you what way I should tell you.

Of course Keeton-O'Connell should have a lot in common with the Mississippi system of negligence litigation. As I understand, in Mississippi everybody gets paid regardless of fault although you do have to prove, you have to go through the motions of it. All I know about it is when I get any files from my Yankee companies up north, I just send them down to some Mississippi lawyer, and say, "Just let me know the result, when you get through." But Mississippi's comparative negligence doctrine does come probably as close to the situation as does any in the state.

Well, in the absence of Professor O'Connell, I think I ought to give you some of the highlights of his plan before I undertake to criticize the same, and this little talk I am going to make here, it will be somewhat different than probably I would have made, but the President suggested that we have this debate, and it turned out to be a dialogue here. I would like to tell you about what's happening on the National scene. There has been tremendous, as you well know, ferment in this field, and from the two million dollar investigation that is now going on in Washington in the insurance field right on down to the committees in these states like Arkansas and New York, and everybody is investigating the insurance business and everybody has become an expert. And which, you know what an expert is, like that lawsuit we have in Memphis when the fellows in New York thought it was too important to allow us fellows

to try it, so they sent down their expert from New York to try the case. He was in there and he was cross examining this young boy about ten years old, who was an eye witness to the accident, and he couldn't get anything favorable out of him, and finally he screamed at the boy, "Didn't your father ever tell you the difference between right and wrong, the truth and falsehood?" To which the young lad replied, "I don't know, but you can ask him. He's the third juror on the first row."

Well, this Keeton-O'Connell plan has been introduced in many legislatures right now: Vermont, Rhode Island, California, Massachusetts, and so on. Its salient features are briefly these:

It is a state wide compulsory insurance. You have got to keep that in mind.

It is liability without fault. You don't have to prove fault.

It reimburses only net out of pocket loss.

No payment is made if damages are recovered from other sources, thereby abolishing the collateral source rule.

You recover, make a claim against, your own insurance carrier.

If damages for pain and suffering do not exceed $5,000.00, and if other damages, principally for out-of-pocket loss, do not exceed $10,000.00, the Basic Protection benefits replace any negligence actions against a Basic Protection insured for bodily injuries suffered in a traffic accident; if damages are over these limits, negligence actions for bodily injuries are possible, but the recovery is reduced by the same amounts.

There is no recovery for pain and suffering, dismemberment, disfigurement, earning ability and all that sort of thing.

Payments are made periodically, and not in lump sum. Of course the Act applies only to bodily injuries.

And there are many other revolutionary features about it. That, briefly, is what it is.

Now, of course, this is nothing new. The Columbia University people, in 1932, presented us the Columbia plan, which did not see the light of day and was not accepted in all these years, forty some odd years, by any state. And of course I predict that Keeton-O'Connell will never be adopted in any state, but nevertheless it is the most glamourous of all the plans that have been presented, and is the one that people in industry are now particularly concerned with. We have seen these plans for many, many years, generally advanced by professors who look always for Utopia and never, of course, looking toward the court room. All of these plans have a form of compulsory insurance. Of course you know it has been adopted in only three states, and one bemoans the high premium, another says it has been more honored in its breach, and the third one would like to repeal it.

So while Keeton-O'Connell is nothing unique or new, it is still in

this situation very unusual. These gentlemen have devised a complete statute that any one of your legislators in Mississippi could simply take, put his name in the top, sponsored by, and put the State of Mississippi in, and introduce it into the hopper, and you are on your way. You see they have a complete statute. It doesn't make any difference, it's about 50 pages long, very complex and complicated, and I think it's going to remain incomprehensible to the three L's, and that's the lawyer, the legislator and the layman.

But let me give you one little illustration on how this would act. Suppose you have a case in which the claimant sustained $1,000 medical and hospital expense and $3000 in wage loss. If in the view of his attorney there was a reasonable prospect that a jury would find for him on a tort claim and would award more than $10,000 in damages, an action in tort might be brought. If the claimant obtained a verdict of $10,000 or less in the tort action, the judgment in that action would be for the defendant because the exemption of Section 4.2 would have eliminated the tort action. In that situation the claimant's recovery would be limited to the basic protection for his economic loss plus any attorney's fees awarded him under his basic protection claim.

Consider now a second case like the first except that the jury verdict in the tort action is for $11,000. In this instance, the tort exemption of Section 4.2 does not apply. Rather the credit of Section 4.3 comes into operation. Suppose that the medical expense ($1,000) and $2,000 of the wage loss have all accrued before the tort judgment is obtained, and that the claimant has already collected basic protection benefits of $2,500, $1,000 medical plus the $2,000 wage loss, less the deductible of 10% of the $2,000 and further subtraction of 15% of the $2000 because of the income tax saving incident to the fact his benefits are not taxable whereas his wages would have been. In these circumstances the jury would be asked to state what part of their verdict is for future wage loss and at what rate per month. Suppose they answer, consistently with our assumptions, $1,000 at the rate of $100 per month. This would mean that the basic protection insurer would be responsible for paying $75 a month ($100 less the 10% deductible and the 15% tax saving) for the next ten months, or a total of $750.00 besides the $2,500 already paid for a grand total of $3,250. This sum would be credited against the tort judgment of $11,000. The balance of that judgment would be paid by the tortfeasor (the basic protection insured) or his tort liability insurer. Of course, as today, the claimant would have to pay attorney's fees and litigation expenses out of his tort recovery.

I await with much eagerness some judge in Shelby County charging the jury under those facts.

Now, what is the principal claim that Keeton-O'Connell make for

their plan? They say that it will eliminate or greatly reduce the cost of administering the tort plan. Well, you see, Keeton-O'Connell doesn't give any benefits. If you take away the collateral benefits, which they would do, and you simply limit it to the economic losses, then you haven't given the injured person very much in the way of benefits for this premium policy. It simply gets down to this, that if you don't give anything, you don't have to charge any premiums. So, of course, they make a big claim that this would save premium payers a lot of money, and they rely upon an economist, Mr. Harwayne of New York, who illustrates by figures and graphs and what not that in New York under their plan, there would be a saving of 11 to 24 per cent of the premium. Now these figures have been seriously disputed by actuaries like Mr. McDonald of Massachusetts, Mr. Bailey of the state of Michigan, Dr. Calvin Brainard of Rhode Island, who says that the cost under Keeton-O'Connell will be ever more. And, of course, Kemper Insurance Group—some of you may represent—have retained Professor Keeton and O'Connell in order to get the benefit of their knowledge on this plan, to see whether or not the Kemper group would accept it, and what the Kemper group came up with was that it would cost a lot more money for the Keeton-O'Connell plan to be adopted in the state of Mississippi.

And of course you must also consider Mr. Wolfrum, who was actuary for Liberty Mutual, as he points out—I think his words are good; I would like to read them—"The analysis indicates that the total reduction in benefits are so shocking that they raise the question whether a going system can stand such a drastic re-adjustment and whether these reductions would last over the long pull." And a professor down at the University of Texas, who likewise points out and proves that these figures about cost savings are absolutely not true. Keeton-O'Connell is just bare bones protection. It simply pays a very minimum of the losses.

Now, I will have to move along here, and one of the principal reasons that they bring up for this plan is this question of court congestion and I wish I had time to go into that to show that in this country court congestion exists only in 17 cities and 8 states. In Mississippi I am certain that you do not have any court congestion, and we don't have it in Tennessee. For instance, in Shelby County where I practice, you can get to trial within 6 to 8 months on any tort action which you file. Recently the American Judicature Society pointed out how Pittsburgh, for instance, had whipped this question of court congestion, and many other cities like Los Angeles have conquered the question of court congestion. So I don't think it's fair to say that the automobile litigation has congested the courts, because you realize that the personal injury cases don't get the priority. I am pretty sure it is in Mississippi as it is in other places, condemnation cases, domestic prob-

lems and habeas corpus, criminal cases, and all those other cases get priority in trial, whereas the tort litigation is put at the bottom of the heap.

I have mentioned, of course, the collateral source rule. Of course, as you well know, that is the benefit that comes from your Blue Shield-Blue Cross, your Social Security, your disability, your health and accident policies, your benefits under these Union contracts where you work, and workmen's compensation, including unemployment compensation, and all the other things, gratuities and what not. All of those are collateral sources. Keeton-O'Connell would say that you get paid from those sources, then of course they are not going to pay you, so why shouldn't the cost of their plan be less, because this day and age everybody—I think the statistics show that 163 million people in the United States, more than 92 per cent, have surgical expense and 74 per cent had medical expense, and a whale of a lot of them had Medicare, a lot of the Government people and also State people all have employees covered by sick leave, and all that sort of thing, so the Health Insurance Institute stated recently, "When the American worker is hospitalized, by illness or accident, the chances are his pocketbook will recover." So this bleeding heart business, I mean there is no basis for that sort of thing, because if a person is injured today in an automobile accident, the chances are almost 90 per cent that he has an income coming in from some source that's going to pay his medical bills and his loss of wages, and any other losses he may have. But Keeton-O'Connell say, if you collect those we are not going to pay you on our basic protection plan.

So what about these? You get into another situation: what about the insurers? What about the Blue Cross and Blue Shield people, and the health and accident people, Social Security people, the Medicare and all those folks? What if they start saying, "We are going to put in our policy that if you recover from Keeton-O'Connell, or if you are able to recover under Keeton-O'Connell, we are not going to pay you." Well, where does that put me? Probably with a lawsuit between a couple of insurance companies, out of which I will have to pay my own lawyer. One other claim they make, they say that the average juror cannot determine fault.

Now, that is one of the silliest remarks, I think, I have ever heard because any practicing lawyer in this room knows that in 90 per cent of the cases, he can tell who is at fault. Ninety per cent of my cases are rear end collisions that anybody can tell, and I am sure that you have had a lot of experience in this field, and you know that you can tell who is clearly at fault. And if you do have any cases where there is any doubt about it, why certainly there are people in this field who are expert in reconstructing accidents and what not, so their claims that the average

juror cannot determine fault and therefore you need a system of liability without fault is just not true. It is just simply a mischievous position or it must be attributed to these professors, who of course don't know what they are talking about when they get into the question of the court room.

Now let me point out another question here about the interstate complications. This raises some real questions and points. You know Keeton-O'Connell, I mean a lot of lawyers think that Keeton-O'Connell will eliminate the lawyers, but I am not quite so sure, because they are going to create a lot more problems than already exist. But let's assume that Tennessee has enacted a basic protection plan, so I will say Tennessee has enacted the basic protection plan. Mississippi has not. Suppose you have a reckless driver from Mississippi who runs into a tree in Tennessee, he collects basic protection benefits from the Tennessee assigned claims fund which has been financed by money taken from Tennessee motorists.

2. If a Mississippi driver collides in Tennessee with a Tennessee driver, both collect basic protection benefits, but the Mississippi driver may retain his right of action in Mississippi if he can get service on the Tennessee driver.

3. The Tennessee driver who has an accident in Mississippi with the Mississippi driver collects basic protection benefits but has a tort action against the Mississippi driver, who in turn has a tort action against him.

So if you think that this potential chaos presented by just three of these illustrations is any help to the present problem of paying people for injuries, I ask you just to take a second look. And, incidentally, no two states are going to enact this Keeton-O'Connell statute as it is. In fact, New York and Rhode Island, where it has been introduced, have already modified it and I know that every state is going to modify it, and you will never have two statutes exactly alike. And of course, if ever you go to Keeton-O'Connell and it fails, I don't know how you are ever going to get back to the old system or the present system. This interstate implication raises this spectre of Federal regulation, and of course that's what the industry is definitely afraid of right now. As you well know, Senator Magnussen, Senator Hart, and all those senators and what not up there in Washington want to do something about this problem of automobile insurance because a lot of people, well, some people howl—the old man howls because he can't get insurance and the young man howls because it costs too much, and they won't insure the hair dresser and they won't insure the minister, and all that sort of thing. The tort system got caught up in that, and they are dragging the tort system along now in these cancellations of marked restriction situations, where we may find ourselves in trouble as lawyers who believe that a person who is insured is entitled to every penny of compensation that the law allows.

Another objection to this plan is its constitutionality. I don't know in Mississippi whether it would be constitutional, but I have read that it will be unconstitutional in states like Illinois and Massachusetts. And of course the only way Keeton-O'Connell can be effective is to have it adopted on a national scale. Of course I don't think, as I pointed out before, if one state adopts it and the other doesn't the problems you will have.

Well, these authors claim there is too much fraud in the present day system. They contend that their system will reduce fraud. Well, we say to them, what about the fellow that has this basic protection and he is home and he falls in his bath tub and he runs out the door, or he crawls out there with his hurt back and falls down in front of the car and says that I hurt it when I was washing my car, so I am covered by basic protection. Under the adversary system you know good and well, as lawyers, that you are going to get the truth out of him and under Keeton-O'Connell you pay him because he is entitled to basic protection, so that I say that fraud will not be eliminated under Keeton-O'Connell.

The actuaries tell us that the plan would create a nightmare for them. One insurance executive remarked that the plan will require such a tremendous range in rates as to be incomprehensible to the public and that the total number of undesirable risks going into assigned risk plans will probably be increased.

Well, what will be the effect on the insurance industry if Keeton-O'Connell is adopted in this country to any appreciable degree. Most of the highly competitive and efficient small and medium-sized insurance writers will be doomed, just pass out of the picture. None but the giants will be able to afford the rating uncertainties, administrative costs and retraining of personnel necessary to make the basic protection plan an operative reality. And that brings to mind, as I understand, the giants of the industry are about ready, at least they are seriously considering, a plan where they are going to pay every person up to $10,000 without any liability question to be determined. In other words, the giants, are doing this because the Federal Government is in the picture, and they are afraid their business is going to be socialized by the Federal Government if they don't do something. And I understand they are coming up with a plan where up to $10,000, everybody is going to be paid, without any litigation at all.

As I have already pointed out to you, this plan leads to Federal regulation. I don't need to go into that any more because I think you understand that.

What do they exclude in these recoveries? I will give you a few items here. There is no recovery for disfigurement, dismemberment, loss of future earning capacity—of course you can take out additional cover-

ages at additional premium cost. And that was one of the things up in Illinois when O'Connell was on the stand, and when people asked him what would you do about this, that and the other, "Oh, you pay additional insurance for that." Of course that adds on to the basic protection policy that you already have, so when you get through you may have six or seven policies, and paying six or seven different premiums. Another thing that it doesn't cover is loss of consortium, pre-natal injuries, catastrophe losses, pain and suffering, loss of eyesight, hearing, impotency, and all the many other losses that are very real to an injured person.

This plan discriminates against and among policy holders. For instance, a school district operating a fleet of trucks will pay for more premium than a commercial operator. A middle-aged family man will pay more than a college student with a small sports car. The farmer, the small shop keeper, and all those people will pay more because, you see, these people don't have the benefits, valuable benefits when they are injured, as people in the unions, people in government, and all those folks that are covered by employment compensation.

And, last, many consider that the real crux of the situation is the abolition of moral and legal responsibility of the individual who carelessly and negligently inflicts personal injury on another. Liability without fault is so foreign to our nature, to our system of law in every aspect, to our history and our culture, that we have to take a real, long, hard look at it before we adopt it. Is the automobile so unique in our life that we must discard the norms of our people to perpetuate its use? Must we discard the legal system because some people receive too little and some too much? Isn't that true of all of life and living? Are we to continue to place all citizens in just one amorphous mass, distinguishable only by number, and dole out to each a statistical remedy, having at best a puny relation to the injury which each has received? These questions cannot be answered solely from a cost standpoint. Individual rights and liberties are not to be sacrificed on the altar of the almighty dollar. The gold standard is not the criteria of life. The welfare state is not Utopia on earth or a substitute for the bliss of the hereafter.

So it becomes the duty of the legal profession, and I say the insurance industry, to make certain that the winds that blow today in this field are contained within bounds consistent with the ultimate highest welfare of our people.

The Thirty-Second Annual Meeting of the Junior Bar Section then adjourned *sine die.*

APPENDIX A

COMMITTEE REPORTS—SENIOR BAR

The following committee reports were published as 1967-68 *Committee Reports of the Mississippi State Bar,* and thus they will not be reprinted here:

Administrative Law Committee
Bar Admissions Study Committee
Budget and Finance Committee
Complaints Committee
Continuing Legal Education Committee
Corporations, Banks and Banking Committee
Criminal Law Committee
Ethics Committee
Group Insurance Study Committee
Judicial Administration Committee
Labor Relations Committee
Law Day USA Committee
Law Journal Committee
Lawyer Referral Study Committee
Legal Services to Poor Committee
Legislative Committee
Memorial Committee
Military Law and Legal Assistance for Servicemen Committee
Oil and Gas Committee
Public Relations Committee
Study Committee
Taxation Committee
Traffic Court Committee
Trial Lawyers Committee
Uniform Commercial Code Committee

BAR ADMISSIONS STUDY COMMITTEE

The following recommendations, as amended, of the Committee were adopted:

The diploma privilege for the University of Mississippi School of Law Graduates should be repealed, but the entire matter should be referred back to the Bar Admissions Study Committee for a complete proposal at the 1969 Convention as to changes in admissions, procedures, administration and adequate financing prior to revoking the diploma privilege.

COMMITTEE ON CORPORATIONS, BANKS AND BANKING

The following recommendation of the committee was adopted:

AN ACT TO PROVIDE FOR A REGISTRATION OF TRADES NAMES

Be it enacted by the Legislature of the State of Mississippi as follows:

Section 1: Short Title. This Act shall be known and may be cited as the "Trade Name Act."

Section 2: No person, domestic corporation, foreign corporation, association, partnership, joint venture, or other combination or group of persons shall conduct any business in this State under a fictitious, assumed, or trade name unless it first files with the Secretary of State a form supplied or approved by the Secretary of State giving the following information:

(A) The name and business address of the applicant for such registration; and, if the applicant is a corporation, the state of its incorporation:

(B) The name, title, or designation to be registered;

(C) The general nature of the business conducted by the applicant;

(D) The length of time during which the said name, title, or designation has been used by the applicant in his business operations in this state.

The application shall be signed and verified by the applicant or by an officer of the corporation applying.

Section 3: The application shall be accompanied by a filing fee of Ten Dollars ($10.00), payable to the Secretary of State.

Section 4: No name, title or designation shall be registered under this Act which is identical to a confusingly similar name already approved for use in the state by any domestic or foreign corporation, or by any prior applicant under this Act.

Section 5: Upon filing suit as to a trade name for use hereunder, an affidavit of compliance with the provisions of this Act shall be filed by all persons, corporations, or others subject to the provisions hereof.

Section 6: Any person or officer of a corporation violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than One Hundred Dollars ($100.00) or more than Three Hundred Dollars ($300.00), or in default thereof to serve ten days in prison.

Section 7: Such registration shall expire at the end of twenty years (20) from the date of said registration unless renewed in the same manner as herein provided for an original registration.

Section 8: This Act shall take effect and be in force from and after the _____ day of _____, 1968.

ETHICS COMMITTEE

The following recommendations of the Committee were unanimously adopted:

Recommended Amendment of the By-Laws of the Mississippi State Bar By the Ethics Committee

It is recommended that Paragraph 3 of Section III of the By-laws be amended by deleting said paragraph and substituting therefor the following:

3. There shall be a Committee of the Mississippi State Bar known as the Committee on Professional Ethics. The Committee shall consist of seven members of the Mississippi State Bar and shall be appointed as follows: The president elected at the annual meeting in 1968 shall appoint three members of the Committee for a term of three years, two for a term of two years, and two for a term of one year. On the expiration of any of said terms, the president shall appoint successors for a period of three years. The president shall fill any vacancy, the appointment to be for the unexpired term. The president elected at the annual meeting in 1968, and

each succeeding president, shall designate a member of the committee to serve as committee chairman during the year of his presidency.

a. Jurisdiction.

The Committee shall:

1. Formulate and recommend standards of ethics and conduct in the practice of law as a profession; consider the Rules of Professional and Judicial Conduct of the Mississippi State Bar; and make recommendations of amendments to or clarifications of the Rules of Professional and Judicial Conduct when they may appear to be advisable.

2. Upon request, advise or assist local bar associations in their activities in respect to the interpretation of the Rules of Professional and Judicial Conduct.

3. Be authorized, when consulted by any member of the bar or by any officer or committee of the state or a local bar association, to express its opinion concerning proper professional or judicial conduct, but these opinions shall not deal with questions of judicial decision or judicial discretion, and shall not be given until submitted to the members of the Committee and approved by a majority thereof.

4. Be authorized to adopt such rules as it may deem desirable concerning the methods and procedure to be used in expressing opinions; such rules not to become effective until approved by the Board of Commissioners. The rules may be altered or abrogated by the Board of Commissioners.

5. Not render opinions on questions of law.

6. Not render opinions as to the ethics of conduct of a lawyer in a matter in which such conduct is involved in pending litigation, which may determine or substantially affect the determination of the ethical questions involved.

b. Advisory Opinions.

1. The Committee will advise any member of the Mississippi State Bar of its opinion as to whether any course of professional conduct under stated circumstances is or is not in violation of the Rules of Professional or Judicial Conduct.

2. The Committee will render opinions involving the ethics of the past conduct of a lawyer upon the request only of the Complaint Committee of the Mississippi State Bar or a duly constituted Complaint Committee of a local bar association.

3. All opinions of the Committee shall be adopted or authorized at a meeting of the Committee and be concurred in by at least a majority of the members; provided that between meetings of the Committee any opinion may be adopted if it be concurred in by at least a majority of the members, providing any nonconcurring member shall have considered the opinion and shall not specifically request the discussion of the question involved at a meeting of the Committee. Upon adoption of the opinions in said manner and approved thereafter by the Board of Commissioners, said opinions will be final and be in force and effect.

COMPLAINTS COMMITTEE

The following recommendations of the Committee were unanimously adopted:

Proposed Amendments To Article III, Paragraph 4, Of the By-Laws of the Mississippi State Bar

Section a. of Paragraph 4 of Article III of the By-Laws is amended to read as follows:

a. There shall be a committee of the Mississippi State Bar to be known as the Committee on Complaints, and to which committee all complaints against members of the Mississippi State Bar for unprofessional and unethical conduct shall be referred. The committee shall consist of six members of the Mississippi State Bar and shall be appointed as follows: The president elected at the annual meeting in 1967 shall appoint two members of the committee for a term of three years, two for a term of two years and two for a term of one year. On the expiration of any said terms, the president shall appoint successors for a period of three years. The president shall fill any vacancy that might occur for any reason, the appointment to be for the unexpired term. The president elected at the annual meeting in 1967 and each succeeding president shall designate a member of the committee to serve as committee chairman during the year of his presidency. The chairman of the Committee on Complaints shall be charged with the duty of acknowledging receipts of each complaint. If the complaint is unsworn and unsupported by affidavits as to the truth of the facts complained of, the chairman shall demand of the complainant sworn proof of the facts charged, and shall promptly notify the attorney complained against of the nature of the complaint and the name of the complaining party. The chairman may assign each such complaint to a member of the Committee on Complaints for investigation under his supervision. Further, in specific cases in which special assistance is needed, the committee may, with the approval and authority of the Board of Commissioners, employ the services of an investigator to assist in the investigation under the supervision of the chairman.

Section b. of Paragraph 4 of Article III of the By-Laws is amended to read as follows:

b. The chairman of the committee shall, within five days after receipt of the sworn complaint or affidavits supporting the same, give written notice to the member of the Mississippi State Bar against whom the complaint is made of the charges and shall furnish him with a copy of the complaint and affidavit or affidavits supporting the same, and shall call upon him for an explanation or opposing affidavit or affidavits, or other proof, if such is desired to be submitted. The notice to the attorney complained against shall require submission of the explanation or opposing affidavits or other proof within fifteen (15) days after the mailing of the notice of the said complaint.

The first two unnumbered paragraphs of Section c. of Paragraph 4 of Article III of the By-Laws is amended by substituting thereof the following four unnumbered paragraphs, so as to read as follows:

c. Promptly, and within five days after the due date of the explanations and/or opposing affidavits or other proof from the attorney complained against, the chairman shall submit the complaint and supporting papers, together with any explanation and/or affidavits or other proof furnished by the attorney complained against, if he shall furnish any such by that date, to the committee as a whole for its consideration and vote as to whether the complaint is groundless or should be investigated further. Both the submission of the complaint to the committee and the vote thereon may be by mail. If the committee by majority vote decides that the charge is groundless or does not warrant disciplinary action, the same shall be dismissed and the parties notified in writing of the action of the committee. If the committee by a majority vote, decides that the

charge is of such a nature that further investigation should be made, the committee as a whole, or any one or more members thereof, shall, acting as a subcommittee, upon appointment by the chairman, be clothed with all the powers and duties conferred by Sections 31, 32, 33, and 34 (Sections 8720, 8721, 8722, and 8723, Mississippi Code of 1942, Annotated, Recompiled), of the act of the Legislature organizing the Mississippi State Bar, being Chapter 121 of the General Laws of Mississippi, 1932. Provided, however, that the chairman of the committee and the president, acting jointly, may appoint and designate any member or members in good standing of the Mississippi State Bar as a special committee to investigate complaints pending against any member; and any such special committee so appointed shall likewise be clothed with all the powers and duties conferred by the aforesaid statutes.

The committee as a whole, or such subcommittee or special committee, shall determine the place of conducting the investigative hearing under said code sections, which so far as practicable shall be in the county of residence of the member complained against; and shall within ten days after appointment, give due and reasonable notice of not less than ten days, to the member complained against of the time and place where such investigative hearing shall be conducted. In all cases, the investigative hearing shall be conducted within thirty (30) days after the serving of the notice on the member complained against, except that the committee, subcommittee or special committee holding the same may, for good cause shown, grant a reasonable continuance or continuances.

At the hearing, all necessary proof shall be taken to develop fully the facts giving rise to the complaint, and the member complained against shall have the right and privilege of presenting proof and introducing testimony at any such hearing.

Such testimony, including that on behalf of the accused, shall be reduced to writing and the Committee on Complaints shall promptly thereafter deliver said record, together with the written charge, affidavits and other supporting documents, to the Board of Commissioners, transmitting with the record the opinion of the Committee on Complaints whether or not further action should be taken. The record of the hearing, together with all papers in connection therewith, shall be duly certified by the Committee holding the same.

STUDY COMMITTEE

The recommendations of the Committee were recommitted to the Committee for further study.

COMMITTEE ON LEGAL SERVICES TO THE POOR

The following recommendations of the Committee were adopted:

Copies of the Rules and Regulations and Model Charter of Incorporation adopted by the Bar Commissioners are available and on file in the office of the Mississippi State Bar.

We recommend that the convention, by adoption of this report, approve the action of the Board of Commissioners in adopting the said Rules and Regulations and Model Charter of Incorporation, and authorize the Board of Commissioners to revise same whenever in their opinion revisions are needed and justified.

LAWYER REFERRAL STUDY COMMITTEE

The following recommendations of the Committee were adopted:

Recommendations

After giving careful consideration to the matter of lawyer referral service plans, the Committee recommends that the Mississippi State Bar go on record as encouraging the various local Bar Associations within the State to organize lawyer referral service plans which meet at least the following minimum standards:

1. The service should be sponsored by the local Bar Association.
2. The service should be supervised by a committee of lawyers who will see to it that both the public interest and the interest of the Bar itself are served.
3. A panel of lawyers should be enlisted for the purpose of giving legal services under the terms of a written plan. The legal services should be rendered by independent practitioners, bound by a strict code of ethics to give complete loyalty to the client.
4. There should be an agreed upon, fixed fee which will be charged in all cases for the initial consultation of the client with the attorney for a specified length of time. The client should be advised in advance as to the amount of the fee for the initial consultation, and he should be further assured that the fee for any services rendered beyond the initial consultation period will be reasonable.
5. A system of publicity should be maintained in order to acquaint the public with the service.

The Committee further recommends that the local referral services be requested to keep records of their activities and to make written reports of their activities to the State Bar at least annually.

The Committee is preparing a suggested, detailed plan of lawyer referral for use in Mississippi to be submitted to the Commissioners at their meeting prior to the Convention.

Recognizing that there are certain phases of law practice in which members of the Bar in all localities in the State do not, for one reason or another, choose to engage, including, *inter alia,* patents and copyrights, admiralty, labor law and civil rights, the Committee further recommends that a panel of lawyers who desire to receive referrals in these fields of practice be maintained in the office of the Mississippi State Bar for statewide referrals and that proper publicity be given to the availability of this service also.

We further recommend that the facilities of the Mississippi State Bar be used to disseminate information to local Bar Associations desiring to organize lawyer referral services.

RESOLUTIONS COMMITTEE

The following resolutions were presented to the Convention and were adopted by the Convention:

WHEREAS, the Senate of the Mississippi Legislature has passed Senate Bill No. 1972 for a fair and equitable retirement bill for the Mississippi Judiciary; and

WHEREAS, this bill has been referred to the House Appropriations Committee but has been held there without action; and

WHEREAS, this retirement program is needed to provide a fair retirement for the members of the Judiciary who have given faithful and unselfish service and

have made unceasing efforts to keep a progressive judicial system in operation; and

WHEREAS, the present retirement system is inadequate and unfair to the members of the judiciary and requires them to make financial sacrifices to retire when they feel that they should;

NOW, THEREFORE, BE IT RESOLVED by the Mississippi Bar Association that Senate Bill No. 1972 providing for a judicial retirement system should be given favorable consideration by the House Appropriations Committee and passed by the House of Representatives, and thereby enacted into law.

BE IT FURTHER RESOLVED that the Mississippi Bar Association does hereby call on our Executive and Legislative leaders to give full support to the immediate enactment into law of this judicial retirement system; and

BE IT FURTHER RESOLVED that copies of this Resolution be immediately dispatched to the Governor, Speaker of the House, the Chairman of the Appropriations Committee of the House, and that copies be furnished to the news media.

ADOPTED this 29th day of June, 1968.

WHEREAS, the 63rd Annual Convention of the Mississippi State Bar, held at the Buena Vista Hotel, Biloxi, Mississippi, June 27-29, 1968, has been most outstanding, profitable and enjoyable; and

WHEREAS, the entire membership of the Bar, particularly those attending this convention, feel deeply indebted to all those who have worked so capably, so efficiently, and with steadfast and loyal devotion, in planning and arranging this Convention;

NOW, THEREFORE, BE IT RESOLVED that the members of the Mississippi State Bar, in Convention assembled, hereby express our heartfelt appreciation to the following:

Our capable and distinguished President, Honorable N. W. Overstreet, Jr., for his outstanding leadership which has contributed immeasurably to the growth and progress of our Association and for the efficient and conscientious manner in which he has discharged all his many duties; and to our other officers, Honorable Edward P. Connell, and Mr. George Van Zant for their valuable services;

Our State Bar Commissioners, the Officers of the Mississippi Junior Bar, Honorable Robert G. Barnett, President, and the Directors of the Junior Bar;

Our Program Committee, Honorable C. Arthur Sullivan, Chairman;

The Hostesses for the Ladies' Luncheon, Mrs. Sherman Muths, Chairman, Mrs. Eldon Bolton, Mrs. Eaton Lang, Jr., Mrs. Joe Meadows, Mrs. William Rainey and Mrs. Knox White; Ladies Coffee, Mrs. Len Blackwell, Mrs. Richard Graves and Mrs. Thomas Stennis, II, and all the Gulfport Junior Bar wives;

The Registration Personnel and Reporters;

All other Committee Chairmen and members who served during the year and at this Convention;

Our featured speakers, Honorable Hugh N. Clayton, Honorable Richard E. Wiley, Honorable Chesterfield H. Smith, Honorable Edward W. Kuhn, Honorable Alfred S. Julien, Major General Kenneth J. Hodson, Honorable Harris Morgan, Honorable Cullen Smith, Honorable William T. Gossett and Honorable Sam J. Ervin, for their valuable contributions to our program;

Each of our members who introduced our speakers and accepted other responsibilities related to our program, which assignments were performed with distinction;

The Mississippi Association of Legal Secretaries for efficient and complimentary secretarial services throughout the Convention;

The City of Biloxi, the Harrison County Bar Association, and the management, staff, and employees of the Buena Vista Hotel for their cooperation in planning and providing for our comfort, convenience, and pleasure;

Our treasured friends and fine associates who extended so many courtesies and hospitality for our membership and families;

All our guests whose presence added so much to our Convention and our enjoyment thereof;

And to the representatives of the press and other news media.

BE IT FURTHER RESOLVED, that our Executive Director be requested to forward copies of this Resolution to all appropriate persons and that a copy be spread on the permanent records of the Mississippi State Bar.

APPENDIX B
DIRECTORY
MISSISSIPPI STATE BAR
AUGUST 1968

ABERDEEN
Richard B. Booth
Harrison Bldg.
Claude A. Chamberlin
P. O. Box 72
Judge Allen Cox
D. W. Houston, Jr.
Watkins Bldg.
George W. Howell, Jr.
P. O. Box 171
John E. Johnson
P. O. Box 190
David B. King
P. O. Box 170
Armon D. Lee
P. O. Drawer P
Robert D. Patterson
P. O. Drawer 170
Ralph E. Pogue
Lyonel T. Senter, Jr.
P. O. Box 170
Johnny N. Tackett
P. O. Box 183
William S. Turner
Box 386
A. E. Ackerman
Jack B. Carlisle
Box 181
Judge J. P. Coleman
5th U. S. Circuit Court
of Appeals
P. O. Box K
Thomas A. Coleman
P. O. Box 267
James Dennis Dobbs
P. O. Box 155

AMORY
Billy James Funderburk
N. Main Street
J. O. Prude, III
P. O. Box 124
Jack N. Thomas
Box 267
Judge Fred P. Wright
Chancellor, 1st District

ASHLAND
Anthony T. Farese
P. O. Box 135
John B. Farese
P. O. Box 125
William G. Kemp
P. O. Box 121
L. Hamer McKenzie
P. O. Box 121

AVALON
Virgil G. Cook

BALDWIN
W. H. Cox
Box 353
M. Paul Haynes
M. Paul Haynes, Jr.
P. O. Box 278

BATESVILLE
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Box 568
Dennis M. Baker
210 Broadway
Robert H. Broome
210 Broadway
Charles C. Finch
P. O. Drawer 568
Hill Jarratt
D. R. Johnson
Box 288
Robert T. Riser
Ben Barrett Smith
P. O. Drawer 272
Ted Lucas Smith
P. O. Drawer 568
Arnold R. Smythe
Ralph O. White
P. O. Box 271

BAY ST. LOUIS
Joseph H. Benvenutti
144 Main Street
Evelyn Hunt Conner
Box 281
Sam Leroy Favre
Drawer 71
William M. Frisbie
P. O. Box 406
Gerald C. Gex
Merchants Bank Bldg.
Lucien M. Gex
Merchants Bank Bldg.
J. R. Griffin
Favre & Griffin
Michael D. Haas
P. O. Box 304
Nicholas McL. Haas
P. O. Drawer UU
Edward I. Jones
Box 15
Cornelius Joseph Ladner
Box 412
George H. Lipscomb, Jr.
P. O. Box 121
Walter J. Phillips
Merchants Bank Bldg.
Judge Dan M. Russell, Jr.
P. O. Box 253

BAY SPRINGS
Wm. Harrison Alexander
Reuben Kidd Houston, Jr.
P. O. Box 374
Judge Joe A. McFarland,
Jr.
Circuit Court
13th District
Robert H. McFarland
O. M. Oates, Jr.
Box 25
Roy L. Osborne
J. L. Thompson

J. E. Ulmer, Jr.
P. O. Box 1

BELMONT
L. P. Allen
P. O. Box 220

BELZONI
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V. B. Montgomery
P. O. Drawer 634
Irby Turner, Jr.
Box 447
Hugh R. Varnado
P. O. Drawer 634
Lucian R. Wadlington
Box 355
W. D. Womack, Jr.
P. O. Box 217
Dr. Arthur E. Wood, Jr.
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BEULAH
Dixon Dossett

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Lynden Bowring
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Billy F. Brown
209 Rich Avenue
Amy Burkett
R. 3, Box 353
Fred G. Cody
210-210A Roland Bldg.
450 Renoir Street
L. C. Corban, Jr.
Box Q
Billy M. Davis
P. O. Box 1060
Donald E. Dore
Edgewater Plaza
Shop. Cen.
Capt. Mark T. Finch, USAF
210 Harmon Circle
James J. Franco, Jr.
203 Vandenberg Dr.
Judge Leslie B. Grant
208 Edgewater Gdn. Apt.
Daniel D. Guice
First Bank of Biloxi Bldg.
Jacob D. Guice
First Bank of Biloxi Bldg.
W. L. Guice
Box 153
Peter Halat, Jr.
Box 1079
Louis Hengen
Rm. 217, Barq Bldg.
Clare Sekul Hornsby
P. O. Box 548
Albert S. Johnston, Jr.
Box 214
Albert S. Johnston, III
P. O. Box 214
Arnaud O. Lopez
202 Barq Bldg.
James S. Love
Hotel Buena Vista
Frederick J. Mannino
P. O. Box 241
Nick A. Mavar, Jr.
1214 West Beach
Howard McDonnell
Barq Bldg.
Newton Kelly McKoin
P. O. Drawer M M
Judge Walter L. Nixon, Jr.
Box 541
Lyle M. Page
Box 222
William J. Palmer
Box 59
Charles K. Pringle
Box 292
Victor B. Pringle
Box 292
Jules A. Schwan
P. O. Box 272
John Sekul
203 Barq Bldg.
Lawrence Semski
Box 552
John M. Sims
Box 1060
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117 W. Howard Ave.

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Paul R. Tarbutton
239 Langley Drive

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E. C. Tonsmeire, Jr.
P. O. Box 241
Kosta Nick Vlahos
737 East Beach
Walter J. Wadlington
P. O. Box 2
Edmund J. Walker
Route 3, Box 97
Thomas L. Wallace
Box 552
Alonzo S. Westbrook
175 Oak Grove Pl.
Thomas J. Wiltz
Box 302
Thelma S. Zinner
P. O. Box 67

KEESLER AFB
Capt. John J. Franco, Jr.
O. M. R. Box 801
Amn. Robert D. Lee
Cmr. 1, Box 3816

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Schultz Bldg.
Floyd W. Cunningham
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James A. Cunningham, Sr.
P. O. Box 146
Larry Wade Cunningham
P. O. Box 146

Jack M. Dubard
Box 225
Ellis W. Finch
P. O. Box 46
Donald Franks
Eugene B. Gifford
P. O. Box 254
James M. Godwin
Route #1
540 N. Monroe St.
Joe Ray Langston
College Street
Edgar Watson Massey
Box 421
Charles S. Vail
P. O. Box 447
E. K. Windham

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George Dan Martin
P. O. Box 9
Marcus E. Martin
P. O. Box 8
W. E. McIntyre
W. E. McIntyre, Jr.
John C. McLaurin
Box 396
Robert S. McLaurin, Jr.
112 High St.
David Lewis Morrow
P. O. Box 168
James A. Morrow, Jr.
J. C. Murray
Box 7
J. C. Murray, Jr.
Box 105
Mary Libby Payne
P. O. Box 68
Joe H. Sanderson
P. O. Box 151
J. David Williams
P. O. Box 267

BROOKHAVEN
Emmette P. Allen
Miss. Power & Light
Bldg.
Bruce H. Brady
P. O. Box 548
Tullius Brady
Box 115
Charles E. Brennan
P. O. Box 9
Judge M. L. Carr, Jr.
Chancellor
P. O. Box 52
Clay D. Cooley
528 N. Church St.
James W. Elliott, Jr.
Box 774
George H. Gulley, Jr.
Box 317
H. W. Hobbs
Panzica Bldg.
Box 356
Henry W. Hobbs, Jr.
Box 356
Russell C. Johnson
Box 864
Robert E. Jones
P. O. Drawer 888
Jerrald L. Nations
P. O. Box 420
J. F. Noble, Sr.
Box 4
William B. O'Neal
P. O. Box 242
Donald B. Patterson
Miss. Power & Light
Co. Bldg.
Ralph L. Peeples
P. O. Box 202
R. Pearce Phillips
P. O. Box 786
Owen Roberts
P. O. Box 677
Richard E. Stratton, III
111 East Cherokee St.

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Jerome L. Lohrmann
Rt. 4

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Ottis B. Crocker, Jr.
P. O. Box 207
Billy R. Gibson
P. O. Box 425
James A. Waits
Box 175
Jesse Lee Yancy, Jr.
Box 425

BYHALIA
James E. Woods
Box 114

CALHOUN CITY
Judge W. W. Brown
Circuit Court,
3rd District
P. O. Box 75
Henry L. Lackey
P. O. Box Y
Paul M. Moore
P. O. Drawer 230
George Mitchell Swindoll

CAMDEN
Edgar Lee Walker

CANTON
James A. Butchart
P. O. Box 382
James M. Cain
Rt. 2, Box 105
S. R. Cain, Jr.
P. O. Box 286
W. S. Cain
P. O. Box 286
George Milton Case
114 West Center St.
Nelson R. Cauthen
Hermon Dean
H. Nolen Fancher
P. O. Box 245
Joe R. Fancher, Jr.
P. O. Box 245
Robert Louis Goza, Jr.
114 West Center St.
J. M. Greaves
Box 128
G. B. Herring
P. O. Box 344
James H. Herring
P. O. Box 344
Josephine Hood
Lt. Col. S. T. Lloyd, Jr.
312 S. Liberty St.

D. C. McCool
Box 172
Robert Montgomery
114 W. Center St.
Judge Percy F. Parker
County Court,
Madison Co.
Robert H. Powell, Jr.
Box 245
L. G. Spivey, Jr.
P. O. Box 286
J. Collins Wohner

CARROLLTON
Maurice R. Black

CARTHAGE
James Roberts Allen
Box 387
Joe P. Barnett
P. O. Box 48
Judge O. H. Barnett
Circuit Court
Vernon R. Cotten
205 Main Street
Harold W. Davidson
J. O. Hollis
Box 305
Howard Owen Leach
Box 366
James G. McLemore, Jr.
Box 387
J. E. Smith
Box 387
A. M. Warwick
P. O. Box 207
A. R. Wright, Jr.
P. O. Box 406

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Hughes Bldg.
George P. Cossar
Cossar Bldg.
George P. Cossar, Jr.
Cossar Bldg.
Robert Rex McCraney
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Joseph L. Tennyson
P. O. Box 84
Albert D. Whitten
P. O. Box 28

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William R. Bradley
101-105 Stevens Bldg.
Vincent J. Brocato
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C. Willis Connell, Jr.
Bank of Clarksdale
Edward P. Connell
P. O. Box 368
Martin Douglas Cook
P. O. Box 786
John W. Crisler
Box 1116
Chester Harris Curtis
Box 368
Jack F. Dunbar
Stevens Bldg.
George M. Fleming
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L. Alex Gilliam, Jr.
Box 100
Thomas P. Givens
Brewer, Brewer &
Luckett
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Pascal D. Holcomb
Box 368
Joseph W. Hopkins
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O'Gwen L. King
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Stovall Lowrey
P. O. Box 662
Semmes Luckett
121 Yazoo Ave.
William O. Luckett
P. O. Box 306
Lawrence M. Magdovitz
P. O. Box 997
Sidney A. May
P. O. Box 237
G. F. Maynard
Box 488
William H. Maynard
P. O. Drawer 488
Ralph G. Metcalfe
Box 641
Leighton S. Miller
P. O. Box 787
Doyle Benton Moorhead
419 West Second
Thomas H. Pearson
P. O. Box 912
Leon L. Porter, Jr.
Box 431
Shed Hill Roberson
121 Yazoo Ave.
Harvey T. Ross
Box 339
Tom T. Ross
Box 339
Lester M. Sack
Box 626
Allan D. Shackelford
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Stevens Bldg.
Charles L. Sullivan
P. O. Box 1196
Larry A. Thompson
523 Catalpa St.
James Edwin Upshaw
Box 306
Robert F. Wood
647 Cherry St.
Howard G. Woodward
Box 876
Judge E. M. Yerger
County Court

CLEVELAND
William B. Alexander, Jr.
112 N. Pearman St.
Judge William H. Bizzell
Chancellor, 7th District
P. O. Box 47
Ancil L. Cox, Jr.
116 S. Court St.
C. H. Crump
Joseph C. Feduccia
112 N. Pearman Ave.
Judge Ed. H. Green
Circuit Court
Lonnie E. Griffith
P. O. Box 151

John L. Hatcher
P. O. 151
Jones H. Hoskins
P. O. Box 1031
Joseph M. Howorth
Box 627
Lucy S. Howorth
Box 627
Robert E. Jackson
Charles C. Jacobs, Jr.
P. O. Box 151
Robert G. Johnston
112 N. Pearman Ave.
Judge W. D. Jones
Courthouse
Alfred A. Levingston
Drawer 1031
C. Arthur McIntosh
P. O. Box 151
Ben F. Mitchel
P. O. Box 552
Dana C. Moore, Jr.
116 South Court St.
Wm. E. O'Hare
P. O. Box 630
Wm. Allen Pepper, Jr.
P. O. Box 630
Abe D. Somerville
P. O. Box 387
A. B. Sparkman
Carmon E. Valentine
205 S. Court Street
John White Valentine
205 South Court St.
Arthur C. Whittemore
P. O. Box 323
Delta State College
Frank O. Wynne, Jr.
Owen Bldg.

CLINTON
James V. Carr
Box 114
Herbert D. Farrell
Route 1, Box 22
William H. Hewitt
800 East Leake St.
Ewell McDonald, Jr.
123 Hillcrest St.
Percy Howard Parkman
002 E. Leake St.
William R. Phillips
101 Sunset Drive
Frederick F. Roberts, Jr.
311 Building
John H. Rogers
1007 Tanglewood Dr.
George B. Taylor
716 Bellvue Street
Robert P. White, Jr.
805 E. Leake St.
Gladstone E. Williams
P. O. Box 172

COAHOMA
M. M. Butler
Route 1

COFFEEVILLE
J. P. Stone

COLLINS
William D. Adams
P. O. Box 521
William W. Allred
P. O. Box 521
Dan A. McIntosh, III
Box 554
John K. Keyes
Tommy Bott Rogers
P. O. Box 752
Bonnie Smith
P. O. Box 364

COLLINSVILLE
Joe Henry Mulholland
Route 3

COLUMBIA
Vernon H. Broom
203 Newson Bldg.
Walter E. Bullock
P. O. Box 334
Bernard Callender
310-312 Newson Bldg.
William C. Callender
P. O. Box 604
James Seaborn Dale, Jr.
Watts Bldg.
Box 603
Judge Sebe Dale
Circuit Court
P. O. Box 603
Maurice Dantin
310 Newsom Bldg.
James R. Davis
Box 222
Ernest R. Duff
216 Newsom Bldg.
Richard D. Foxworth
216 Newsom Bldg.
Toxey Hall
310-312 Newsom Bldg.
Michael H. Lawless
Newsom Bldg.
James E. Rankin
Box 351
Ben Mounger Rawls
P.O. Drawer 232
Phillip Singley
203-04 Newsom Bldg.
Garland D. Upton
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H. T. Carter
521 2nd Ave., N.
James A. Dale, III
218 Fifth St. N.
Chester D. Gaston
Apt. 5, Box 196
Gary L. Geeslin
215 Fifth St.
Hunter M. Gholson
516 N. 2nd Ave.
James Tyson Graham
Box 166
Thomas C. Harvey, Jr.
Box 1017
Dewitt T. Hicks, Jr.
P.O. Box 1094
John H. Holloman
P.O. Box 1102
W. H. Jolly
P.O. Box 743
Billy J. Jordan
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T.W. Lewis, Jr.
Box 152
Aubrey E. Nichols
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Ben L. Owen
Box 1001
Jacob C. Pongetti
126 5th St. North
Crawford Darrell Reeves, Jr.
J. O. Sams
514 2nd Ave., N.
Joe O. Sams, Jr.
P.O. Box 249
George J. Schweizer
Box 1017
John F. S. Sims
P.O. Box 648
Taylor B. Smith
P.O. Box 1094
Douglas C. Stone
P.O. Box 166
R. C. Stovall
Box 591
Robert Clark Stovall
P.O. Box 591
W. J. Threadgill
P.O. Box 1094
Henry K. Van Every
P.O. Box 761
Thomas G. Wallace
245 Alabama St.
James A. Walters
519 N. 2nd Avenue
Robin Weaver
Box 1003
David J. Whitaker, Jr.
P.O. Box 981

COMO
J. M. Stockton
Route 1

CORINTH
W. C. Adams
Neal B. Biggers, Jr.
402 Franklin St.
Aubrey Horace Brewer
500½ Filmore
David Lee Coleman
Box 741
James P. Dean
P.O. Box 207
Donald Ray Downs
P.O. Box 191
James L. Gullett
P.O. Box 668
H. A. Hopper
Chambers-Liddon Bldg.
Robert G. Krohn
Box 549
Joe B. Mitchell
509½ Waldron St.
James E. Price, Jr.
Box 866
John Curlee Ross, Jr.
Box 741
William L. Sharp
Box 844
Earl Skelton
P.O. Box 207
Orma R. Smith
P.O. Box 191
Orma R. Smith, Jr.
P.O. Box 191
N. S. Sweat
P. O. Box 227
Judge N. S. Sweat, Jr.
Circuit Court
P.O. Box 227
W. C. Sweat, Jr.
P.O. Box 128
Charles R. Wilbanks
P.O. Box 801
John Ronald Windsor
1504 Cruise Street
B. F. Worsham
Box 146
John R. Young
Box 408

CRYSTAL SPRINGS
J. Harold Graham, Jr.
Box 287
James Warren Kitchens
186 N. Jackson St.
Merrimen M. Watkins
P.O. Box 233

DECATUR
James B. Everett
P.O. Box 51
Leo Horan
P.O. Box 367
William H. Johnson, Jr.
P.O. Box 55

DEKALB
J. H. Daws
Helen J. McDade
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Louie J. Spinks
Box 26

DREW
O. M. Marsalis
Robert B. Sessums
124 Green Ave.
Champ T. Terney, Jr.
105 S. Main St.
Pascol J. Townsend, Jr.
105 S. Main St.

DURANT
Carl F. Drake
Calvin R. King
Box 91
S. R. King
P.O. Box 91
James A. White
P.O. Box 283

DUCK HILL
David Dee Thomas

ELLISVILLE
Mary L. Busch
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W. D. Carmichael
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Glender Dennis
P. O. Box 426
Cecil G. Johnson
Box 403
Billy Joe Landrum
Box 6

EUPORA
W. C. Butler
P. O. Box 86
Thomas E. Childs, Jr.
Box 450
William T. Denman, III

Drawer G
J. E. Eudy
John Wesley Gary, III
Box 111
W. D. Gary
P. O. Box 577
W. Buchanan Meek
Edwin A. Snyder
Box 134
Judge R. P. Sugg
Chancellor

FARRELL
Larry O'Keefe Lewis
Box 122

FAYETTE
Harry L. Corban
R. L. Corban, Jr.
Carroll J. McLaurin
Ed Davis Noble, Jr.
Box 428
Richard M. Truly, Jr.
P. O. Box 344
James M. Walker
Box 36

FORENCE
Mrs. Billy Juhan
Box 371
Harry Lee Kelley

FOREST
Jerry Lee Bustin
Box 719, Hillsboro St.
T. Marx Huff
P. O. Box 87
William A. Huff
P. O. Box 179
Dannye L. Hunter
Box 336
Osborn G. Idom
P. O. Box 336
James Walter Lee
Box 385
Judge Percy M. Lee
Roy Noble Lee
P. O. Box 370
Tom Stewart Lee
P. O. Box 16
Howard B. McCrory, Jr.
P. O. Box 46
William C. Thompson
P. O. Box 147
O. B. Triplett, Jr.
Box 247
O. B. Triplett, III
P. O. Box 247
William S. Weems
711 S. Raleigh St.

FOXWORTH
Mrs. Uhl Poole Fornea
Patterson
Box 314

FULTON
T. Victor Bishop
P. O. Box 563
J. Hollis Brown
P. O. Box 545
William Herman Camp
Euple Dozier
P. O. Box 284
Percy A. Martin
P. O. Box 491
Nell C. May
P. O. Box 538
Stacey B. Russell
307 Canton Street

GAUTIER
William P. Joyer
Hercules Fishing Club

GLOSTER
Fred Alvin Anderson, III
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Walker J. Carney, Jr.
P. O. Box 99
J. T. Lowrey
Box 429
Joe Upton

GREENVILLE
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P. O. Box 689
Eugene M. Bogen
Washington County
Savings & Loan Bldg.
Bogen, Wilkes & McGough
Marvin Burchfield
1137 Lourdes St.
Roy D. Campbell
Box 895
Frank Carlton
George L. Cottingham, Jr.
P. O. Box 40
Fountain D. Dawson
Leyser Building
P. O. Box 1151
Anse Dees
P. O. Box 460
Fred C. Delong, Jr.
P. O. Box 895
Howard Dyer
309-10 Weinberg Bldg.
Howard Dyer, III
309-10 Weinberg Bldg.
Guy Kenner Ellis, Jr.
635 Fairview Ave.
Holland O. Felts
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Jerome S. Hafter
P. O. Box 622
Edward B. Hill, Jr.
P. O. Box 5613
Frank Watson Hunger
P. O. Box 918
Judge William C. Keady
P. O. Box 190
William C. Keady, Jr.
P. O. Box 895
Judge Ernest Kellner, Jr.
Chancellor, 9th District
Martin Anderson Kilpatrick
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Raymond V. Kimble, Jr.
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J. A. Lake, Jr.
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Robert T. Love
Box 1354
Phillip Mansour
Woolworth Bldg.

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W. L. McIlwain
P. O. Box 558
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1204 Margaret St.
Horace L. Merideth, Jr.
P. O. Drawer 99
H. A. Miller
Box 1334
Julian David Orlansky
Box 1334
S. Ira Pittman
405-10 Weinberg Bldg.
Zelma W. Price
Box 766
Tony P. Provenza
1208 Fairview Avenue
Eugene J. Raphael
Woolworth Bldg.
James Robertshaw
P. O. Box 99
James L. Robertson
P. O. Box 895
Geo. Ramsey Russell
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Laurance J. Sievers
P. O. Box 506
George H. Slade
P. O. Box 1214
Earl Solomon
P. O. Box 453
Earl S. Solomon, Jr.
P. O. Box 453
Walter B. Swain, Jr.
P. O. Box 4874
Crossroads Station
William D. Swain, Jr.
127 Robertshaw St.
Clayton J. Swank, III
217 Bermuda Drive
Philip Baird Terney
P. O. Box 497
Frank S. Thackston, Jr.
Box 918
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P. O. Box 395
William Thomas, Jr.
211-212 Weinberg Bldg.
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Box 918
Rodger Downing Wasson
530 Jo Ann Cir.
J. W. Watkins, III
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John C. Webb
P. O. Box 676
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Washington Cty. Svgs.
& Loan Bldg.
536 Washington Ave.
Joseph E. Wroten
Box 1334
Douglas C. Wynn
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365 May Building

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Norman C. Brewer
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Henry Donald Brock
P. O. Box 941
James W. Burgoon, Jr.
P. O. Box 391
Travis H. Clark, Jr.
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P. O. Box 364
Charles Milton Deaton
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George H. Dulin
P. O. Drawer 657
William P. Eason
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Gray Evans
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N. Shelton Hand, Jr.
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Box 516
Hardy Lott
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R. Cunliffe McBee
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George Hite McLean, Jr.
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P. O. Box 393
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Richard L. Smith
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Seth Wheatley, Jr.
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Judge Marshall Perry
P. O. Box 444
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William O. Semmes
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Bryant Jerome Shaw
1176 South Mound St.
Lida B. Shaw
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Samuel J. Waits
951 Fairfield Ave.

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410 Hewes Bldg.
Robert Barber, Jr.
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John H. Barnett, Jr.
915 Wanda Pl.
Thomas Davis Berry, Jr.
1319—24th Avenue
Charles Blackwell
Box 42
Leonard A. Blackwell, II
P. O. Box 88
E. D. Bostrom
P. O. Box 2223
Fred Lee Bowden
% 1629 Nichols Court
Norman L. Breland
Hewes Bldg.
Rae Bryant
P. O. Box 10
Pete H. Carruba
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William Estopinal
Medical Building
John A. Evans
1317—24th Ave.
Milton Ray Fairchild
412 Pass Road
Jason H. Floyd
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Jason H. Floyd, Jr.
Box 1107
Cary L. Fondren, Jr.
P. O. Box 141
E. J. Ford, Jr.
201 Hatten Bldg.
Charles R. Galloway
P. O. Drawer H
Robert Charles Galloway
1519 Kelley
John M. Gardner
1425—24th Ave.
Virgil G. Gillespie
206 Hewes Bldg.
D. M. Graham
203 Hardy Bldg.
D. M. Graham, Jr.
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Judge William G. Hewes
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Viola J. Hilbert
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South Bldg.
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Walter R. Johnson
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Box 524
Judge Luther W. Maples
26th Avenue
Ernest G. Martin, Jr.
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Joseph R. Meadows
P. O. Box 1649
R. B. Meadows
Hewes Bldg.
Webb M. Mize
310 Gulf Nat't. Bank
Bldg.
John S. Morris
304 Gulf South Bldg.
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Stanford E. Morse, Jr.
P. O. Box 100
Sherman L. Muths, Jr.
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H. G. O'Conor
4512 Jefferson Ave.
Edgar L. O'Neill, Jr.
2513 Palmer Dr.
Mississippi City Station
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Box 711
Owen T. Palmer, Jr.
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P. O. Drawer 760
William M. Rainey
P. O. Drawer S
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The Dixie Press
James Norman Randall, Jr.
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Donnie D. Riley
P. O. Box 1649
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P. O. Drawer Y
George Rosetti, Jr.
P. O. Drawer Y
Scotty R. Rosetti
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4708 Jefferson Ave.
Augustus Albert Simpson, Jr.
1424 32nd Ave.
Donald O. Simmons
P. O. Box 1206
Upton Sisson
1913 Fifteenth Street
George R. Smith
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Herbert J. Stelly, Sr.
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Thomas L. Stennis, II
P. O. Box 10
William L. Stewart
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Box 580
R. W. Thompson
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McRae Turner, Jr.
Miss. Power Co.
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Harry G. Walker
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Knox W. Walker
408 Hewes Building
James R. Walsh
P. O. Drawer 1330
Martin Warren
124 Woodhaven Dr.
Knox White
P. O. Drawer S
Neil W. White
P. O. Box 985
Neil W. White, Jr.
P. O. Drawer S
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1805 19th Ave.
Richard L. Yarbrough
P. O. Box 1138
Ralph D. Young
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Box 25

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Miss Geneva Janette Blair
Route 2, Box 167

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Edgar L. O'Neill, Jr.
2210 Swetman Boulevard
George M. Quinn
454 Champin St.

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Robert E. Arrington
P. O. Box 22
Bruce C. Aultman
P. O. Box 750
Dorrance Aultman
P. O. Box 750
James W. Backstrom
P. O. Box 750
B. H. Baker
Box 801
Douglas T. Baker
402 Duman Avenue
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112 West Front St.
M. D. Brett
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Frank Wilson Buckley
1011 Pitts Street
Robert L. Calhoun
Box 461
Lester Clark
302 First Federal Bldg.
Judge Harold B. Cubley
County Court
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George C. Curry
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P. O. Box 2055
S. Wayne Easterling
P. O. Box 870
James Finch
P. O. Box 1169
Lawrence Y. Foote
Drawer 1231
Davis T. Fortenberry
Route 3, Box 186
Sam Hooper Gammill
303 First Federal Bldg.

Herbert R. Ginsberg
First Federal Bldg.
Paul E. Grady
Box 1349
Reginald A. Gray, Jr.
201 Carter Bldg.
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220 Rebel Bldg.
Box 1024
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Drawer 1729
Judge Stanton A. Hall
Circuit Court
P. O. Box 135
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P. O. Drawer 1609
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Box 1070
Robert E. Hill
Carter Bldg.
P. O. Box 62
Paul H. Holmes
P. O. Box 2055
Carroll H. Ingram
Box 24
Rex K. Jones
202 Geiger Bldg.
P. O. Box 125
W. Arlington Jones
Suite 405, Carter Bldg.
William F. Jones
Box 95
Marie P. Kepper
Box 251
Karl W. Kepper
Box 251
Julian Andre Katz
400 Arlington Loop
Joe R. King
304-05 Citizens Bank Bldg.
Box 227
John Wincie Lee, Jr.
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Robert Lawrence Lennon
3rd Floor, First Fed. Bldg.
James F. McKenzie
401 Ross Bldg.
Frank D. Montague, Jr.
201-04 Carter Bldg.
Alfred Moore
111½ E. Front St.
Box 95
Forrest M. Morris, Jr.
215 E. Front St.
William V. Murry
204 Conner Bldg.
Mildred W. Norris
P. O. Box 1633
Thomas D. Ott
P. O. Box 1386
Judge Howard L. Patterson
Chancellor, 10th District
P. O. Box 808
Edwin Lloyd Pittman
P. O. Box 1445
Homer Pittman
Box 227
Jack Homer Pittman
Box 227
Moran M. Pope, Jr.
P. O. Box 750
Thomas J. Riley
P. O. Box 654
M. M. Roberts
Box 870
Shelby R. Rogers
P. O. Box 109
Elliott E. Schlottman
P. O. Box 1902
W. L. Shappley
P. O. Box 6
James Simrall, Jr.
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J. B. Van Slyke, Jr.
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Howard M. Stroud
3500 Hardy St.
Michael David Sullivan
P. O. Box 1568
R. M. Sullivan
P. O. Box 1568
T. Harris Sullivan
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Dan Gary Sutherland
401 Ross Bldg., Box 1070
James H. C. Thomas, Jr.
Suite 210, Carter Bldg.
Joe A. Thompson
Box 348
James K. Travis, Jr.
P. O. Box 590
Robert A. Walker
P. O. Box 1568
Donald M. Waits
P. O. Box 1070
Jack B. Weldy
P. O. Box 24
Ben M. West
P. O. Box 465
Southern Station
Darl Jene Whitecotton
P. O. Box 870
William W. Wicht, Jr.
Suite 100, Professional Bldg.
Francis T. Zachary
P. O. Box 24

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Cecil L. Allred, Jr.
408 Gallatin Street
John T. Armstrong
P. O. Box 190
John T. Armstrong, Jr.
P. O. Box 190
E. R. Arrington
Box 347
R. O. Arrington, Jr.
Box 347
Donald C. Cooley
P. O. Box 388
Harris B. Henley
Box 509
W. S. Henley
Box 509
Harry O. Hoffman, Jr.
Bank of Hazlehurst Bldg.
Carroll Kemp
P. O. Box 226
Julius L. Lotterhos, Jr.
Box 509
Lena C. Zama
P. O. Box 108

HERNANDO
Dudley Black Bridgforth, Jr.
c/o Walker, Franks & Rone
Ross Lee Franks
Boyce Lee Garner
17 Union Street
Harry Randolph Garner
17 Union St.
William F. Hagan, Jr.
Box 5
Lee Virden Hamberlin
P. O. Box 715
F. C. Holmes, Jr.
Cinclair May
17 Union Street
George S. McInguale
William L. Rone
Joel P. Walker
Edward Lee Whitten
17 Union Street
W. E. Wilroy
Box 5
W. E. Wilroy, Jr.
Box 5
James E. Woods
McIngvale Bldg.

HICKORY
W. M. Everett
Box 115
S. E. McGee

HOLLANDALE
William T. Bundy, Jr.
503 Church St.
Forrest Durwood Ruegger
P. O. Box 542
W. Scott Thompson
Box 307

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Fred M. Belk, Jr.
Box 66
John W. Bryant, Jr.
Merchants & Farmers Bank Bldg.
Robert P. Crutcher
Box 66
Wall Doxey, Jr.
P. O. Box 667
Lester G. Fant, Jr.
P. O. Box 66
Lester G. Fant, III
Bank of Holly Springs Bldg.
Sidney L. Hurdle
First State Bank Bldg.
John L. Kennedy
North Side of Square
John Lewis Maxey, II
Tyson Drug Bldg.
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320 Market St.
Fred E. Swaney
Van Dorn Ave.

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Woodrow Wilson Brand, Jr.
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Thomas B. Davis
432 S. Jackson St.
John P. Fox
P. O. Box 167
James S. Gore
P. O. Box 367
A. E. Hawkins
Box 266
C. H. McCraine, Jr.
P. O. Box 231
Clyde Ratcliff
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Richard M. Allen
404 Main Street
W. Dean Belk, Jr.
P. O. Box 229
Joe M. Buchanan
P. O. Box 654
Judge Arthur B. Clark
Box 229
Frank O. Crosthwait, Jr.
100 Court St.
Howard Q. Davis
Box 229
Howard Q. Davis, Jr.
Box 229
Gordon L. Lyon
100 Court St.
J. H. Price
David M. Quinn, Jr.
Box 172
G. P. Ritchey
Box 628
Oscar B. Townsend
Box 229

ISOLA
John Walter Garrard
P. O. Box 173

ITTA BENA
Cleveland Davis
Box 98
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Box 82

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Box 319
Richard O. Clark
311 W. Eastport St.
James Barry Finch
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J. D. Finch
Cecil L. Sumners
311 S. Fulton St.

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418 Yazoo St.
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Box 291
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Box 410
Julian P. Alexander, Jr.
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Frank Barber
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Henry E. Barksdale
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James A. Barnett
Box 2442
Robert G. Barnett
Box 2442
Ross R. Barnett
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Ross R. Barnett, Jr.
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Stephen L. Beach, Jr.
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Stephen L. Beach, III
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James A. Becker, Jr.
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Loyd Lamar Beacham, Jr.
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235 Cooper Road
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Jerry Holmes Blount
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Singleton Smith Bonner
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Judge Tom P. Brady
Associate Justice, Supreme Court
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T. Eugene Caldwell
401 Barnett Bldg.
Box 1704
K. Hayes Callicutt
Box 1172
John Wesley Capers
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Natie P. Caraway
Box 2337
Taylor Carlisle
756 East Northside Dr.
Lyle Carroll
Miss. Insurance Agents Assn.
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P. O. Box 2216
William O. Carter, Jr.
P. O. Box 157
Craig Castle
P. O. Box 566
Edward L. Cates
P. O. Box 2005
Reynolds Cheney
Box 1666
James K. Child, Jr.
Box 157
W. M. Childress
P. O. Box 12
Bernard W. N. Chill
P. O. Box 1482
Clifford C. Chittim
Box 427
Richard Chotard, Jr.
P. O. Box 1200
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P. O. Box 1046
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140 West Pearl St.
Hollis M. Clark
135 Sivley Ave.
John B. Clark
211 Sun Drive
Neal Clement
1411-13 Standard Life Bldg.
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1105 Garden Park Drive
John W. Coalter
325 Sun Drive
William Thad Cochran
P. O. Box 650
J. W. Cocke
1339 Dep. Gty. Bank Bldg.
John V. Cockrell
1816 St. Ann Street
Marvin A. Cohen
P. O. Box 427
Curtis E. Coker
Box 1084
William DeWitt Coleman
828 Briarfield Road
William F. Coleman
425 Tombigbee St.
Aline J. Collum
416 Plaza Bldg.
Philip Ray Converse
732 Arlington St.
A. S. Coody
776 North West St.
Henry D. Cook
1216 Raymond Road
Robert F. Cooper, Jr.
1335 Linden Place
James P. Cothren
Box 1172
John R. Countiss, III
P. O. Box 241
H. A. Courtney
1231-33 Dep. Gty. Bank Bldg.
Bobby Louis Covington
P. O. Drawer 2428
Frederick G. Cox, Jr.
P. O. Box 4311
Justin Lamar Cox
P. O. Box 158
Judge William Harold Cox
P. O. Box 2447
William Harold Cox, Jr.
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Rufus Creekmore
822-25 Plaza Bldg.
Wade H. Creekmore
1000 Bankers Trust Plaza Bldg.
Thomas R. Crews
P. O. Box 410
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431 Tombigbee, Court Square, South Bldg.
Bert Crisler
813 Dep. Gty. Bank Bldg.
Charles W. Crisler, Jr.
431 Tombigbee, Court Square, South Bldg.
James Walter Crisler
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Thomas W. Crockett, Jr.
Box 961
Earl R. Cruthirds
Box 1947
E. Hugh Cunningham, Jr.
P. O. Box 1288
Arthur Dale Currie
805 Dep. Gty. Bank Bldg.
Joe H. Daniel
Box 1084

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Charles Ray Davis
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Jack Roy Davis
218 S. President St.
Col. James L. Davis
110 Poinciana Drive
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P. O. Box 527
John C. Love, Sr.
P. O. Box 527
Alton Massey
Box 189
Ray S. Mikell
P. O. Box 658
Clarence E. Morgan, Jr.
Box 348
John E. Shaw
112 Cedar Lane Dr.
G. J. Thornton
Morgan & Lindsay Bldg.
Harold W. Williams
517 Lucas St.
Claude Jackson Woodward
Doty Bldg.

LAMBERT
Walter E. Dreaden, Jr.
P. O. Box 215
Thomas Sharp
Hoke Stone

LAUREL
E. R. Alley
Box 2744
J. Luther Austin
P. O. Box 764
Warner Beard, Jr.
P. O. Box 2475
E. C. Bonney
P. O. Box 957
M. W. Boyd
Box 111
H. Harvey Breazeale
2018 Briarwood Drive
Ronald C. Brown
Box 171
Kenneth Bullock
Box 2008
John A. Bruce Caldwell
P. O. Box 726
J. Edwin Campbell
Box 584
Judge Lunsford Casey
P. O. Box 185
Fledell Chain
48 Oakcrest Drive

Thomas Gene Clark
P. O. Box 731
Elson K. Collins
Box 732
Edwin P. Connolly
P. O. Box 525
Henry S. Davis, Jr.
P. O. Box 1137
William M. Deavours
P. O. Box 106
Wilmer O. Dillard
P. O. Box 581
Miss Sarah L. Entrekin
213 14th St.
Carl Dexter Ford
Rm. 303, Wallace Bldg.
C. Denton Gibbes, Jr.
Box 2008, Choctaw Sta.
Stewart J. Gilchrist
P. O. Box 106
Louis A. Gily, Jr.
505 Central Ave.
Ernest W. Graves
Box 2008, Choctaw Sta.
Matthew Harper, Jr.
P. O. Box 726
James D. Hester
Box 713
Thomas J. Holifield
Box 726
W. Major Holifield
P. O. Box 901
John Leonard Jeffries
P. O. Box 844
Harry E. Koch
P. O. Box 2455
George D. Maxey
P. O. Box 731
Alpheus Holland McRae, Jr.
P. O. Box 664
Harold W. Melvin
Box 142
Leonard B. Melvin, Sr.
Box 142
Leonard B. Melvin, Jr.
Box 142
Harry A. Mitman
604 W. 12 St.
Judge Goode Montgomery, Jr.
County Court
P. O. Drawer 5
Humphrey C. Moynihan
Box 222
William S. Mullins, III
P. O. Box 2008,
Choctaw Sta.
Grover Michael Myers
William Harold Odom
Box 354
L. A. Pacific
P. O. Box 1860
Samuel V. Pack
P. O. Box 368
Charles W. Pickering
P. O. Box 713
Kalford C. Ratcliff
P. O. Box 368
Charles G. Reeder
% Central Oil Co.
Quitman Ross
P. O. Box 464
Harold James Schneider
P. O. Box 852
A. S. Scott, Sr.
P. O. Box 403
Philip E. Stevens
Box 434
Robert Sullivan
P. O. Box 1131
William B. Sullivan
P. O. Box 41
Jon A. Swartzfager
P. O. Box 121
Paul G. Swartzfager
Box 121
Raymond C. Swartzfager
P. O. Box 65
Raymond C. Swartzfager, Jr.
P. O. Box 65
Lowell W. Tew
Box 732
C. H. Walker
Box 762
Guy M. Walker
P. O. Box 41
Milton B. Weems
Box 106
Raynold Lee Willett
10-11 O'Ferrall Bldg.

LEAKESVILLE
Curtis Breland
P. O. Box 154
Ronald R. Davis
P. O. Box 277
T. Horton Hillman
Box 555

LELAND
Burrell O. McGee
Bank of Leland
William B. Waits
P. O. Box 128
Taylor Webb
P. O. Box 109

LEXINGTON
Pat M. Barrett
P. O. Box 448
Pat M. Barrett, Jr.
P. O. Box 448
J. R. Gilfoy
P. O. Drawer 30
William L. Jordan
Box 415
P. P. Lindholm
P. O. Box 5
G. H. McMorrough
D. T. Ruff
William E. Thurmond, Jr.
210 North St.
H. Edwin White
208 Court Square

LIBERTY
T. F. Badon
P. O. Box 21
Mary Jo Poole Forman
P. O. Drawer L
Joe D. Gordon
P. O. Box 268
Joseph D. Gordon, Jr.
P. O. Box 268
Kenneth Gordon
Box 373
F. W. Stratton
P. O. Box D

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William R. Boggs
630 W. Beach
Harold J. Demetz
York Dr.
Albert E. Easterling, Jr.
123 Beuna Vista Drive
Luther S. Gilmer
111 Piraye Ave.
James M. Maxwell, Jr.
400 Gulfview Ave.
James W. Ware
215 Cox Ave.

LOUISVILLE
R. W. Boydstun
Box 560
R. W. Boydstun, Jr.
Box 342
David E. Crawley, III
P. O. Box 543
Frank M. Deramus
Box 31
Charles D. Fair
P. O. Box 509
Eugene Love Fair
East Main Street
J. Hoy Hathorn
Masonic Bldg.
James Cal Mayo
P. O. Box 509
Edward C. Prisock
Masonic Bldg.
Neal Prisock
Masonic Bldg.
Burris Olen Smith
P. O. Box 31
David T. Wilson, Jr.
109 McCully Ave.

LUCEDALE
John Laverne Dale
P. O. Box 67
H. M. Hunter
Route 1
Darryl A. Hurt
P. O. Box 45
Maurice L. Malone
P. O. Box 208
Judge Darwin M. Maples
Circuit Court
Box 75
J. O. Moss
P. O. Box 572
Andrew M. N. Murphy
Box 585
Williams S. Murphy

LUMBERTON
Michael R. Eubanks
P. O. Box 527
Bobby J. Garraway
Box 335
Joseph H. Montgomery
P. O. Box 392

LYON
David Rainey Hunt
RFD 93A

MACON
E. H. Britton
Ernest L. Brown
Douglas Mims Ferris
Eugene Brooke Ferris, III
Box 206
Leroy R. Kenneday
Jefferson St.
W. B. Lucas
Jesse P. Stennis
Jefferson St.

MADISON
H. S. Owens
P. O. Box 7

MAGEE
T. M. Bishop
Box 623
L. R. Floyd
R.F.D. 2, Box 122
Willis T. Matthews
Box 932
Billy H. Stephens
P. O. Box 218

MAGNOLIA
Judge Thad Leggett, III
County Court
P. O. Box 307
O. W. Phillips
225 East Bay St.
Robert S. Reeves
Box 508
B. D. Statham
110 North Cherry St.
William F. Watkins
101 North Cherry Street

MARKS
Philip Ross Adams
Rt. 2
Ben M. Caldwell
P. O. Box 370
Partee L. Denton
P. O. Box 330
Ney M. Gore, Jr.
P. O. Box 330
T. N. Gore
Lomax Lamb, Jr.
Eugene Thompson
P. O. Box 66

MATHISTON
Will P. Starnes
P. O. Box 33

McCOMB
Louis Alford
P. O. Box 489
Thomas Leroy Booker, Jr.
Box 527
Robert W. Brumfield
P. O. Box 998
John B. Ewing
P. O. Box 428
Norman B. Gillis, Jr.
P. O. Drawer G
William S. Guy
Morgan & Lindsay Bldg.
P. O. Box 853
Judge Bert H. Jones
Chancellor
L. S. McClaren
P. O. Box 201
Gerald M. McMillan
P. O. Box 73
Joe N. Pigott
Box 940
R. B. Reeves
P. O. Box 998

William Benjamin Regan
224½ State St.
J. Gordon Roach
Brent Bldg.
John Gordon Roach, Jr.
P. O. Box 506
Bobby D. Robinson
Box 806
Holt Ross
315 Virginia Ave.
Hansford L. Simmons
509 Caston
Laverne A. Varnado
P. O. Box 959
John H. White, Jr.
P. O. Box 672
Winton Edwin Williams
P. O. Box 205
William A. Wiltshire
P. O. Drawer 527

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Wade H. Creekmore, Jr.
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L. L. Forman
K. Maxwell Graves, Jr.
P. O. Box 361
Charles Herring
Box 265
W. Wilson Hewitt
Nolan M. McCoy
Box 265
H. B. Mayes McGehee
P. O. Box 188
Judge James A. Torrey
Circuit Court
James A. Torrey, Jr.
P. O. Box 188
Sanfred P. Torrey
P. O. Box 277

MENDENHALL
Thomas B. Alexander
Ras Milton Boyles
P. O. Box 576
Grover C. Coleman
P. O. Box 402
A. K. Edwards
Box 66
George B. Grubbs
Box 217
James Dent May
P. O. Box 37
Aleita M. Sullivan
Box 37
Thomas H. Sullivan, Jr.
Box 37
J. W. Walker
Box 37
Connie S. Whitfield
Box 458
George G. Williamson
Box 687

MERIDIAN
J. P. Abston
207-09 Lamar Bldg.
Box 1952
Gerald Adams
Box 849
Brad B. Bailey
2314–17th Street
L. D. Beard
207-09 Lamar Bldg.
Thomas D. Bourdeaux
Box 2009
A. S. Bozeman, Jr.
First Savings Building
Robert E. Broach
2315–23rd Ave.
Maxie Gene Brown
P. O. Box 305
Frank J. Buchanan
U. S. F. & G. Bldg.
Joe G. Byrd
2810–7th Street
Apt. #8
Overton W. Cameron
Box 888
Edwin K. Clayton
3523–31st Avenue
W. L. Clayton
1513–25th Street
Robert D. Coit
P. O. Box 424
William Bond Compton
Box 845
Alfred E. Corey
P. O. Box 1413
Lyle V. Corey
Box 1413
J. Michael Corrigan, Jr.
413 Greater Miss. Life
Oliver Wendell Cosey
P. O. Box 643
Billy R. Covington
P. O. Box 1904
J. A. Covington
P. O. Box 786
Dal M. Crenshaw
2nd Flr., Meridian Bldg.
& Loan Bldg.
Robert H. Crook
Box 289
Robert B. Deen, Jr.
Box 888
Herbert Emille Dewes, Jr.
2316–23rd Ave.
Aubert C. Dunn
P. O. Box 1745
Edwin A. Dunn
P. O. Box 1745
J. Thomas Dunn
Box 1087
William Jefferson East
2212–19th Street
Cecil S. Edmundson, Jr.
P. O. Box 3125
Walter W. Eppes, Jr.
2nd Flr., Meridian Bldg.
& Loan Bldg.
George M. Ethridge, Jr.
P. O. Box 2009
J. C. Floyd
Box 888
G. Rayner Gaillard
816–21st Avenue
Champ C. Gipson
Box 804
J. Ray Gipson
P. O. Box 442
J. V. Gipson
Box 804
Wingfield Glover, Jr.
P. O. Box 1389
C. Dennis Goldman
P. O. Box 1625
Thomas L. Goldman
Box 1625
Thomas W. Goldman, Jr.
Box 1625

William J. Gunn, Jr.
2nd Flr., Meridian Bldg. & Loan Bldg.
John M. Harmon
P. O. Box 1443
Joe Clay Hamilton
910 Greater Miss. Life Bldg.
Robert Wallace Hamill
3111–29th Ave.
Robert Hunter Harmon
P. O. Box 5028
Judge J. Emerson Harwell
County Court
James Emerson Harwell, Jr.
Route #5, Box 378
Thomas M. Hendricks, Jr.
P. O. Box 1501
Thomas K. Holyfield
P. O. Box 1928
Harry L. Hopkins
Route 8 Box 62-A
Philip D. Hughes
Box 1468
Alvis C. Johnson
Box 824
Granville Jones
Box 1562
S. B. T. Jones
Box 711
Thomas R. Jones, Jr.
P. O. Box 2009
Maurice F. Kahlmus
Box 1402
Irvin L. Martin, Jr.
P. O. Box 202
Dempsey G. Knight, Jr.
1308–22nd Ave. Hts.
Allen Henderson McCreight
3311–21st Street
Cdr. E. L. Mc'Donald
2741 Fortieth Street
G. Thomas McPherson
P. O. Box 845
Thomas Y. Minniece
P. O. Box 2009
S. R. Nettles
903–31st Ave.
Judge William DeB. Neville
Chancellor
P. O. Box 908
Harold Noe
P. O. Box 2009
Joe R. Odom
P. O. Box 607
Howard R. Pigford
P. O. Box 1501
Claude L. Pitts
300 Rosenbaum Bldg.
John Leslie Prichard
P. O. Box 888
Thomas Jefferson Prince, Jr.
Trust Dept., Citizens Nat'l Bank
Lawrence W. Rabb
413 Greater Miss. Life
Harvey Blanton Ray
Box 5633
William E. Ready
P. O. 927
Fred M. Rogers
1823–34th St.
Margaret E. Rogers
2612–19th Street
Daniel P. Self, Jr.
Box 1625
C. D. Shields
P. O. Box 367
James Taylor Singley
Box 1087
Daniel Briggs Smith, Jr.
916–26th Ave.
E. L. Snow
Box 786
Frances M. St. Germain
P. O. Box 5733
Dequincey V. Sutton
401 Greater Miss. Life Bldg.
W. Arlo Temple
Box 786
Robert L. Tinsley, Jr.
Box 1327
J. M. Travis
Box 682
Thomas R. Ward
P. O. Box 3125
George D. Warner, Jr.
Box 5633
Homer C. Watkins
Box 1952
Thomas K. Watts
Box 786
J. C. Wilbourn
Box 1389
Richard E. Wilbourn, II
P. O. Box 1389
J. Pat Wiley
Box 504
James D. Williams
Box 1389
Marvin Williams
2nd Flr., Meridian Bldg. & Loan Bldg.
Donald W. Williamson
Box 425
N. S. Williamson
Box 86
James E. Williamson, Jr.
P. O. Box 804
Judge Lester F. Williamson
Circuit Court, 10th District
P. O. Box 1501
Gibson B. Witherspoon
Box 845
Henry S. Woodall
Box 11
Ralph E. Young
P. O. Box 888

MONTICELLO
Cary Bass, Jr.
Box 626
James Shelby George
Jack A. Morris
P. O. Drawer C
J. P. Patterson
Judge E. A. Turnage
Chancellor
Francis Marvin Vining
P. O. Drawer 250

MOORHEAD
Ben Himelstein

MORTON
Charles G. Clifford

William M. Richard, Jr.
Box 32

MT. OLIVE

Atticus A. Calhoun
Route #2

MOSS POINT

Charles B. Bratt
P. O. Box 461
Louis Fondren
617 Main Street
Frank J. Hammond, Jr.
Box 356
Robert T. Mills
P. O. Box 83
Richard E. Perkins, Jr.
312 Dantzler St.

NATCHEZ

Lawrence Adams
P. O. Box 1377
Basil G. Ballard
P. O. Box 551
Edwin E. Benoist, Jr.
P. O. Drawer 1344
Frederick C. Berger
P. O. Box 1144
Judge Robert A. Bonds, Jr.
508 Main St.
David C. Bramlette
P. O. Box 1377
James M. Brandon
P. O. Drawer 1344
J. Walter Brown, Jr.
P. O. Box 1047
B. C. Callon
P. O. Box 1287
Carl A. Chadwick
Adams Bldg.
Box 225
Vernon H. Chadwick
P. O. Box 225
Judge Curtis L. Collins
Chancellor, 17th District
E. H. Fitzpatrick, Jr.
Box 226
Brent Forman
Box 1377
W. A. Geisenberger
Suite 7, Fry Bldg.
Wilfred Wyatt Geisenberger
30 Oakhurst Drive
John T. Green
P. O. Box 222
Thomas K. Green, Jr.
Box 262
Lucien G. Gwin, Jr.
Box 1384
Lucien C. Gwin, Jr.
Box 375
G. Stuart Handy
P. O. Drawer 1344
Graham H. Hicks
City Bank & Trust Co. Bldg.
Box 364
Oliver M. Hornsby
P. O. Drawer 1344
Eunice V. Johnson
P. O. Box 1322
Forrest A. Johnson
P. O. Box 1322
James H. Keyer
Ground Floor Front
Lomond Bldg.
Hugh Lumpkin
Miss. Valley Gas Co.
P. O. Box 1354
Anabel Y. Maxie
3611 Laurel Ave.
Thomas M. McNeely, Jr.
508 Main Street
John E. Mulhean
202 South Wall St.
John E. Mulhean, Jr.
202 South Wall St.
Clyde W. Mullins
P. O. Box 25
Robert L. Netterville
Box 946
Daniel J. O'Beirne
P. O. Drawer 1344
Thomas Joseph O'Beirne
138 Homochitto Street
C. F. Patterson
Box 92
Claude Pintard, Jr.
P. O. Box 1335
Jack E. Pool
202 S. Wall St.
William F. Riley
P. O. Box 174
Harry J. Rosenthal
Route 1, Box 349
J. Fred Schmidt, Jr.
304 Auburn Ave.
S. Barnett Serio, Jr.
331 Market St.
Cecil Gill Smith, Jr.
Box 702
William Marion Smith
Box 1377
John Merritt Tipton
Fry Building
E. G. Truly
Box 1377
Frank W. Walden
P. O. Box 345
Edwin C. Ward
Box 1377
Calvin B. Wells
Fry Bldg.
George Ferdinand West, Jr.
Box 803
Robert Y. Wood, Jr.
Box 1335
Clarence N. Young
Box 300
Joseph S. Zuccaro
Box 1335

NEW ALBANY

J. E. Boone
Box 42
Hugh N. Clayton
Box 157
Wm. G. Collins
Route 4
Tom Leslie Darden
Norman L. Gillespie
P. O. Box 833
Stephen Jackson
407 Apple Street
Henry H. King
212 Apple St.
Baxter N. Knox, Jr.
P. O. Box 336
Talmadge D. Littlejohn
Houston Bldg.
Box 833

W. Lester McDonough
P. O. Box 186
John David Pennebaker
Box 687
William O. Rutledge III
321 Main St.
Edgar J. Stephens, Jr.
P. O. Box 330
Lester F. Sumners
P. O. Box 123

NEW AUGUSTA
John M. Dunnam, Jr.
Box 138

NEWTON
A. B. Amis, Jr.
D. M. Anderson
Box 7
W. A. Byrd
102 Byrd St.
R. S. Majure
Box 220
George S. Monroe
Box 28
Edmund J. Phillips, Jr.
P. O. Box 178
S. T. Roebuck
104 N. Main Street

OCEAN SPRINGS
Judge L. C. Corban
Box 549
L. C. Corban
Box 547
Ransom P. Jones, III
Route 3, Box 125-B
Oscar R. Jordan
914 Washington Avenue
B. Nowlin Keener, Jr.
P. O. Box 705
Russell Moran
P. O. Drawer AA
Schuyler Poitevent, Jr.

OKOLONA
H. L. Morrison
Walter M. O'Barr
P. O. Box 309
John D. Sibley
Main Street
Jon P. Thames
Box 150

OLIVE BRANCH
Drue Birmingham, Jr.

OSYKA
James Elliott Williams
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OXFORD
Jesse R. Adams, Jr.
Sumners & Hickman
Murray Akers
U. S. Attorney's Office
Vettra Glenn Alderson
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Charles A. Becker, Jr.
Route 4, Box 18-A
Old Taylor Rd.
Russell Blair
426 S. Lamar
Richard William Brock
Robin O. Cotten
626 Park Drive
Omar Dell Craig
Box 507
Donald A. Deline
William M. Dye, Jr.
217 Ross Ave.
Royce D. Edwards
308 Van Buren
Thomas R. Ethridge
P. O. Box 566
Roger M. Flynt, Jr.
P. O. Box 191
Thomas H. Freeland, III
Box 269
Gerald A. Gafford
P. O. Box 269
Lowell E. Grisham
P. O. Box 566
Will A. Hickman
P. O. Box 430
William R. Lamb
P. O. Box 349
William Lewis, Jr.
Box 31
Falton O. Mason, Jr.
409 S. Lamar
Robert E. McCormick
426 S. Lamar
Taylor H. McElroy
P. O. Box 187
Dan S. Murrell
Larry D. Norris
914 South Lamar St.
Fred Barringer Patton
518 Tyler Ave.
F. Edwin Perry
P. O. Box 345
Roy W. Pike
337 University Ave.
J. W. Price
307 S. Lamar
H. M. Ray
Box 191
Jean Rand Richey
Country Club Road
Basil W. Richmond, Jr.
426 South Lamar
Bramlett Roberts
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R. X. Williams
1008-1010 Van Buren

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Charles Robert Butterfield
Box 2067
French Caldwell
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Joe R. Colingo
P. O. Box H
James H. Colmer
P. O. Box 787
Lester Stanley Cook
P. O. Box 396

Dan Costello
P. O. Box 2248
Arvis Cumbest
P. O. Drawer 1287
Donald W. Cumbest
P. O. Drawer 1287
William B. Dorsey
345 Watts Avenue
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Box 714
Henry A. Fly
P. O. Box 792
Charles W. Ford
P. O. Box 100
Lester C. Franklin, Jr.
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E. M. Galloway
Box 658
Rex Gordon
P. O. Box 396
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P. O. Box 100
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Box 787
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Clinton E. Lockard
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Chester Lott
518 Jackson Ave.
Kenneth W. Martin
P. O. Box 1303
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O. L. McLeod
P. O. Box 609
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P. O. Box 787
Roland J. Mestayer, Jr.
Suite 404
Pascagoula-Moss Point
Bank Bldg.
Melvin L. Mitchell
P. O. Box 991
B. C. Moore
P. O. Box 1056
Joe A. Moore
P. O. Box 100
Edward S. Nelson
Box 396
Bobby Gene O'Barr
P. O. Drawer 1287
Robert H. Oswald
P. O. Box 909
Merle F. Palmer
Box 59
Willard L. Richardson
Box 214
Kenneth Barkley Robertson
P. O. Box 854
Ernest R. Schroeder
P. O. Box 100
Harold M. Seamen
605—9th Street
Lloyd Y. Sexton
P. O. Box 714
George M. Simmerman
104 South Pascagoula St.
David A. Stewart, Jr.
P. O. Drawer AA
Jerry Owen Terry, Sr.
P. O. Box 396
Judge L. A. Watts
County Court
P. O. Box 244
Pat H. Watts, Jr.
P. O. Drawer 1499
Karl Wiesenburg
Box 26
Roy C. Williams
P. O. Box 787
Edmund A. Wilson
P. O. Box 415

PASS CHRISTIAN
E. J. Adams, Jr.
130 E. Beach
C. Randall Jones, Jr.
P. O. Box 283

PETAL
James Baine
Box 576
Turman L. Clark
P. O. Box 366
Gilbert F. Heinbaugh
Box 261
H. B. Lingle
Box 695

PHILADELPHIA
Herman W. Alford
Citizens Bank Bldg.
Clayton Lewis
P. O. Box 162
Clayton T. Lewis
P. O. Box 162
William M. Mars
Citizens Bank Bldg.
Michael D. McGough
Legal Service Director
Choctaw Indian Legal
Service
461 Evergreen Avenue
Wilburn D. Moore
Judge Robert Prisock
Chancellor
Laurel G. Weir
Box 156
W. T. Weir
208-10 Stubbs Bldg.
William G. Yates, Jr.
P. O. Box 54

PICAYUNE
Richard L. Arnold
317 S. Steele Ave.
Sam P. Cooper, Jr.
P. O. Box 125
Emile J. Gex, Jr.
620 Stovall Ave.
Charles R. Holladay
P. O. Box 177
Robert I. Prichard, III
P. O. Box 269
Lonnie Smith
P. O. Drawer 1076
L. Jack Stewart
P. O. Box 671
Ray M. Stewart
P. O. Box 269
J. E. Stockstill
203 Picayune Bank Bldg.
Monroe David Tate, II
108 East Canal Street
Granville H. Williams
P. O. Drawer 1076
Marguerite A. Williams
Box 3
Robert J. Williams
P. O. Box 29

PONTOTOC
James E. Bost
P. O. Box 148
Jackson D. Doty
First Nat'l. Bank Bldg.
William A. Grist
P. O. Box 118
Joe Ray Henderson
P. O. Box 217
Boudie A. Jaggers
P. O. Box 364
Byrd P. Mauldin
512 South Main Street
Kendall G. Rayburn
P. O. Box 124
Charles D. Thomas
First National Bank Bldg.
T. Fred Wicker
P. O. Box 297

POPLARVILLE
Almond Garry Lumpkin
1013 S. Main Street
David R. Smith
P. O. Box 393
Martin T. Smith
P. O. Box 393
Wm. Hampton Stewart
P. O. Box 308
E. B. Williams
Williams Bldg.
E. B. Williams, Jr.
Williams Bldg.
Lampton O. Williams
P. O. Box 113

PORT GIBSON
William H. Barr
Route 2
Joseph Davenport, Jr.
Edwin D. Davis
Box 602
Joseph Turpin Drake
Robert Douglas Gage, III
Box 224
P. M. Watkins
2nd Flr., Person Bldg.
Karl Weil

PRENTISS
Joseph Dale
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